E/1999/23
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COMMISSION ON HUMAN RIGHTS

REPORT ON THE FIFTY-FIFTH SESSION

(22 March - 30 April 1999)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1999

SUPPLEMENT No. 3

UNITED NATIONS

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

A State not member of the Commission may submit proposals in accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council. The list of participants is contained in annex I.

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I. DRAFT RESOLUTION AND DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

A. Draft resolution

Racism, racial discrimination, xenophobia and related intolerance

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1999/78 of 28 April 1999,

1. Approves the Commission's recommendation that the General Assembly, through the Economic and Social Council, should request the Secretary-General to assign high priority to the activities of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and to earmark adequate resources to finance the activities of the Programme of Action;

2. Also approves the Commission's request to the United Nations High Commissioner for Human Rights to undertake research and consultations on the use of the Internet for purposes of incitement to racial hatred, racist propaganda and xenophobia, to study ways of promoting international cooperation in this area, and to draw up a programme of human rights education and exchanges over the Internet on experience in the struggle against racism, xenophobia and anti-Semitism;

3. Further approves the Commission's appeal to the High Commissioner to provide those countries which were visited by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

4. Endorses the Commission's decision, in accordance with General Assembly resolution 52/111, which indicates that the Commission will act as the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, so as that:

(a) The sessions of the Preparatory Committee scheduled in 2000 and 2001 will be headed by the same bureau composed of 10 members, i.e. two representatives per regional group, in order to ensure continuity and the adequate representation of all Member States of the United Nations;

(b) It will recommend to the General Assembly, through the Economic and Social Council, that the World Conference and the sessions of the Preparatory Committee should be open to participation by:

(i) All States members of the United Nations and specialized agencies;

(ii) All regional organizations and commissions involved in the preparation of regional meetings;

(iii) Representatives of organizations which have received from the General Assembly a standing invitation to participate as observers;

(iv) Specialized agencies, secretariats of the regional commissions and all United Nations bodies and programmes;

(v) Representatives of all United Nations mechanisms in the field of human rights;

(vi) Other interested governmental organizations, which shall be represented by observers;

(vii) Interested non-governmental organizations to be represented by observers in accordance with Economic and Social Council resolution 1996/31 of 25 July 1996;

5. Approves the Commission's recommendations to the General Assembly, through the Economic and Social Council, that, if no offer is made to the United Nations High Commissioner for Human Rights for hosting the World Conference by the end of the first session of the Preparatory Committee to be held in the year 2000:

(a) The World Conference should be held in Geneva;

(b) The World Conference should be held in the year 2001, but after the session of the Commission on Human Rights and before that of the General Assembly;

6. Also approves the Commission's requests to the High Commissioner:

(a) To prepare, immediately following the fifty-fifth session of the Commission, the questionnaires referred to in the report of the open-ended Working Group to review and formulate proposals for the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance (E/CN.4/1999/16 and Corr. 1 and 2) with a view, on the one hand, to reviewing progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, particularly since the adoption of the Universal Declaration of Human Rights, and, on the other, to reappraise the obstacles to further progress in the field and ways to overcome them, and to send them as soon as possible to States, specialized agencies, international governmental and non-governmental organizations and national institutions;

(b) To review and analyse the replies and submit a report to the first session of the Preparatory Committee six weeks before the beginning of its work;

(c) To open an Internet site on the preparations for the World Conference in close cooperation with the Department of Public Information;

(d) In her capacity as Secretary-General of the World Conference, to prepare and carry out, in close cooperation with the Department of Public Information, an effective world information campaign with a view to mobilization and support for the objectives of the World Conference by all sectors of political, economic, social and cultural life, as well as other interested sectors;

(e) To include, inter alia, in her strategy for informing international public opinion and sensitizing it to the objectives of the World Conference:

(i) The appointment of renowned ambassadors from the entertainment, arts, culture, sports and musical worlds and any other field who might mobilize the attention of civil society;

(ii) An invitation to the sports world to cooperate actively as a partner in the World Conference;

(iii) Additional private-sector funding through sponsoring;

(iv) The need to ensure full coverage of preparatory activities and the World Conference by the media by making full use of the services of United Nations Information Centres;

(v) Sending all Governments, international governmental organizations, non-governmental organizations and national institutions information handbooks and pamphlets that can be made available to the public and the media, as well as to United Nations Information Centres;

(f) To set up a voluntary fund designed specifically to cover all aspects of the preparatory process for the World Conference and the participation of non-governmental organizations, especially from developing countries, by requesting all Governments, international organizations, non-governmental organizations and private individuals to contribute to this Fund;

(g) To undertake appropriate consultations with non-governmental organizations on the possibility that they might hold a forum before and partly during the World Conference and, insofar as possible, to provide them with technical assistance for that purpose;

(h) To undertake a study to be submitted to the first session of the Preparatory Committee on ways of improving coordination between the Office of the United Nations High Commissioner for Human Rights and all specialized agencies and international, regional and subregional organizations in the field of action to combat racism, racial discrimination, xenophobia and related intolerance;

(i) To help the Special Rapporteur of the Commission on racism, racial discrimination, xenophobia and related intolerance to carry out a study on preventive measures relating to ethnic, racial, religious and xenophobically motivated conflicts and to formulate recommendations intended for the first session of the Preparatory Committee;

(j) To invite the Special Rapporteur on religious intolerance to participate actively in the preparatory process and in the World Conference by initiating studies on action to combat incitement to hatred and religious intolerance;

(k) To review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them with a view to submitting her conclusions to the Preparatory Committee;

(l) To organize an international seminar of experts on the remedies available to the victims of acts of racism, racial discrimination, xenophobia and related intolerance and on good national practices in this field, which will be financed by voluntary contributions, to encourage other activities, particularly seminars forming part of the preparations for the World Conference, and to submit the recommendations of these seminars to the Preparatory Committee;

(m) To draw up a draft agenda for the first session of the Preparatory Committee;

7. Approves the Commission's appeals to the High Commissioner to help States and regional organizations, on request, to convene national and regional meetings or to undertake other initiatives, including at the expert level, to prepare for the World Conference, and also to the specialized agencies and the United Nations regional economic commissions, in coordination with the High Commissioner, to contribute to the holding of regional preparatory meetings;

8. Also approves the Commission's requests:

(a) To the Secretary-General, the United Nations specialized agencies and the regional economic commissions to provide financial and technical assistance for the organization of the regional preparatory meetings planned in the context of the World Conference, and stresses that such assistance should be supplemented by voluntary contributions;

(b) To the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a study on ways of making United Nations activities and mechanisms in the context of programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance more effective;

(c) To the Secretary-General to submit a report to the Commission at its fifty-sixth session on the implementation of Commission resolution 1999/78 under the agenda item entitled "Racism, racial discrimination, xenophobia and all forms of discrimination";

9. Endorses the Commission's recommendations that the World Conference should adopt a declaration and a programme of action to combat racism, racial discrimination, xenophobia and related intolerance, that the particular situation of children should receive special attention during the preparations for and during the World Conference itself, especially in its outcome, and that the importance of systematically adopting a gender-based approach throughout the preparations for and in the outcome of the World Conference should be stressed.

[See chap. II, sect. A, resolution 1999/78,
and chap. VI.]

B. Draft decisions

1. Situation of human rights in Afghanistan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/9 of 23 April 1999, approves the Commission's recommendations to the Secretary-General:

(a) To implement promptly, security conditions permitting, the decision to investigate fully reports of mass killings of prisoners of war and civilians, rape and other cruel treatment in Afghanistan;

(b) To ensure that the deployment of the civilian affairs observers in Afghanistan takes place as soon as possible, security conditions permitting, and that gender issues are fully incorporated into their mission.

The Council also approves the Commission's request to the United Nations High Commissioner for Human Rights to ensure a human rights presence in the context of the United Nations activities in Afghanistan in order to provide advice and training in the field of human rights to all the Afghan parties, as well as to the intergovernmental and non-governmental organizations active in the field.

The Council endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year, and to request the Special Rapporteur to report on the situation of human rights in Afghanistan to the General Assembly at its fifty-fourth session and to the Commission on Human Rights at its fifty-sixth session.

[See chap. II, sect. A, resolution 1999/9, and chap. IX.]

2. Situation of human rights in Burundi

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/10 of 23 April 1999, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Burundi by one year, and to request the Special Rapporteur to submit an interim report on the human rights situation in that country to the General Assembly at its fifty-fourth session, and a report to the Commission at its fifty-sixth session, giving his work a gender-specific dimension.

[See chap. II, sect. A, resolution 1999/10, and chap. IX.]

3. Situation of human rights in the Islamic Republic of Iran

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/13 of 23 April 1999, endorses the Commission's decision to extend the mandate of the Special Representative on the situation of human rights in the Islamic Republic of Iran, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, and to request the Special Representative to submit an interim report to the General Assembly at its fifty-fourth session and to report to the Commission at its fifty-sixth session, and also to keep a gender perspective in mind when seeking and analysing information.

[See chap. II, sect. A, resolution 1999/13,
and chap. IX.]

4. Situation of human rights in Iraq

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/14 of 23 April 1999, endorses the Commission's decisions:

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in Iraq, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year, to request the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-fourth session and to report to the Commission at its fifty-sixth session, and also to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq.

[See chap. II, sect. A, resolution 1999/14,
and chap. IX.]

5. Situation of human rights in the Sudan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/15 of 23 April 1999, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for a further year, to request him to submit an interim report to the General Assembly at its fifty-fourth session and to report to the Commission at its fifty-sixth session on the situation of human rights in the Sudan, and to continue to keep a gender perspective in mind in the reporting process.

[See chap. II, sect. A, resolution 1999/15,
and chap. IX.]

6. Situation of human rights in Myanmar

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/17 of 23 April 1999, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fourth session and to report to the Commission at its fifty-sixth session, and to keep a gender perspective in mind when seeking and analysing information.

[See chap. II, sect. A, resolution 1999/17, and chap. IX.]

7. Situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/18 of 23 April 1999, endorses the Commission's decision to renew for one year the mandate of the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia.

The Council approves the Commission's requests that the Special Rapporteur carry out missions to: (a) Bosnia and Herzegovina, including the Republika Srpska; (b) the Republic of Croatia, including Eastern Slavonia, Baranja and Western Sirmium; (c) the Federal Republic of Yugoslavia (Serbia and Montenegro), including to Kosovo, as well as to Sandjak and Vojvodina.

The Council also endorses the Commission's decisions:

(a) To request the Special Rapporteur to report to the Commission at its fifty-sixth session on the work carried out in fulfilment of his mandate, and to make interim reports as appropriate about his work in support of the Kosovo initiative of the United Nations High Commissioner for Human Rights, and to present interim reports to the General Assembly at its fifty-fourth session;

(b) To request the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council, to the Organization for Security and Cooperation in Europe and to other international organizations concerned with human rights and humanitarian questions;

(c) To urge the Secretary-General, within existing resources, to make all necessary resources available for the Special Rapporteur to carry out his mandate successfully and, in particular, to provide him with adequate staff based in those territories to ensure effective continuous monitoring of the human rights situation in the countries of the mandate and coordination with other international organizations involved.

[See chap. II, sect. A, resolution 1999/18, and chap. IX.]

8. Situation of human rights in Equatorial Guinea and assistance in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/19 of 23 April 1999, endorses the Commission's decisions to appoint a special representative of the Commission for one year to monitor the situation of human rights in Equatorial Guinea and to report to the Commission at its fifty-sixth session, keeping in mind the need to apply a gender perspective in the reporting process, including in collecting information and making recommendations.

[See chap. II, sect. A, resolution 1999/19,
and chap. IX.]

9. Situation of human rights in Rwanda

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/20 of 23 April 1999, endorses the Commission's decision to extend for a further year the mandate of the Special Representative on the situation of human rights in Rwanda to make recommendations on the situation of human rights in Rwanda, to facilitate the establishment and effective and independent functioning of the National Human Rights Commission and to make recommendations on situations in which technical assistance to the Government of Rwanda in the field of human rights may be appropriate.

The Council also approves the Commission's request to the Special Representative to report to the General Assembly at its fifty-fourth session and to the Commission at its fifty-sixth session, in accordance with his mandate, and its request to the United Nations High Commissioner for Human Rights to provide the Special Representative with such financial assistance as he may require to discharge his mandate, keeping a gender perspective in mind when seeking and analysing information.

[See chap. II, sect. A, resolution 1999/20,
and chap. IX.]

10. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/25 of 26 April 1999, endorses the Commission's decision to request the United Nations High Commissioner for Human Rights to consider the possibility of organizing, in collaboration with relevant United Nations agencies and, in particular, the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization, a workshop to identify progressive developmental benchmarks and indicators related to the right to education which may inform the work of the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child and other human rights treaty bodies and human rights mechanisms, United Nations specialized agencies, Funds and Programmes.

[See chap. II, sect. A, resolution 1999/25, and chap. X.]

11. Human rights and extreme poverty

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/26 of 26 April 1999, approves the Commission's request to the United Nations High Commissioner for Human Rights to consider the possibility of holding a workshop with the independent expert on human rights and extreme poverty and the experts from the Sub-Commission on Prevention of Discrimination and Protection of Minorities in 1999 with a view to consultations also involving the relevant functional commissions of the Council on the main elements of a possible draft declaration on human rights and extreme poverty.

[See chap. II, sect. A, resolution 1999/26, and chap. X.]

12. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/30 of 26 April 1999, authorizes the open-ended Working Group of the Commission on Human Rights to meet for a period of two weeks, prior to the fifty-sixth session of the Commission, in order to continue or conclude the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The Council encourages the Chairman-Rapporteur of the Working Group to conduct informal inter-sessional consultations with all interested parties in order to facilitate the completion of a consolidated text.

[See chap. II, sect. A, resolution 1999/30, and chap. XI.]

13. Right to freedom of opinion and expression

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/36 of 26 April 1999, endorses the Commission's decisions to extend for a further three years the mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and to request the Special Rapporteur to submit to the Commission at its fifty-sixth session a report covering activities relating to his mandate.

[See chap. II, sect. A, resolution 1999/36,
and chap. XI.]

14. Human rights of migrants

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/44 of 27 April 1999, endorses the Commission's decision to appoint, for a three-year period, a special rapporteur on the human rights of migrants to examine ways and means to overcome the obstacles existing to the full and effective protection of the human rights of this vulnerable group, including obstacles and difficulties for the return of migrants who are non-documented or in an irregular situation, with the following functions:

(a) To request and receive information from all relevant sources, including migrants themselves, on violations of the human rights of migrants and their families;

(b) To formulate appropriate recommendations to prevent and remedy violations of the human rights of migrants, wherever they may occur;

(c) To promote the effective application of relevant international norms and standards on the issue;

(d) To recommend actions and measures applicable at the national, regional and international levels to eliminate violations of the human rights of migrants;

(e) To take into account a gender perspective when requesting and analysing information, as well as to give special attention to the occurrence of multiple discrimination and violence against migrant women.

The Council approves the Commission's requests to the Special Rapporteur, in carrying out his/her mandate, to give careful consideration to the various recommendations of the Working Group of intergovernmental experts aimed at the promotion and protection of the human rights of migrants, to take into consideration relevant human rights instruments of the United Nations to promote and protect the human rights of migrants, and in carrying out his/her mandate, to take into account bilateral and regional negotiations which aim at addressing, *inter alia*, the return and reinsertion of migrants who are non-documented or in an irregular situation.

The Council also approves the Commission's recommendations to the Special Rapporteur, in carrying out this mandate and within the framework of the Universal Declaration of Human Rights and all other international instruments, to request, receive and exchange information on violations of the human rights of migrants from Governments, treaty bodies, specialized agencies, special rapporteurs for various human rights questions and from intergovernmental organizations, other competent organizations of the

United Nations system and non-governmental organizations, including migrants' organizations, and to respond effectively to such information, and to contribute to the preparatory committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, within the framework of the objectives of the Conference, including by identifying major issues to be considered by the World Conference.

The Council also approves the Commission's requests to:

(a) The Chairperson of the Commission, after consultations with the other members of the Bureau, to appoint as Special Rapporteur an individual of recognized international standing and experience in addressing the human rights of migrants;

(b) The Special Rapporteur to submit a report on his/her activities to the Commission at its fifty-sixth session;

(c) The Secretary-General to give the Special Rapporteur all necessary human and financial assistance for the fulfilment of his/her mandate.

[See chap. II, sect. A, resolution 1999/44,
and chap. XIV.]

15. Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/50 of 27 April 1999, authorizes the open-ended inter-sessional Working Group of the Commission on Human Rights established in accordance with Commission resolution 1995/32 of 3 March 1995 to meet for a period of 10 working days prior to the fifty-sixth session of the Commission, the costs of the meeting to be met from within existing resources.

[See chap. II, sect. A, resolution 1999/50,
and chap. XV.]

16. Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/51 of 27 April 1999, authorizes the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to meet for five working days prior to the fifty-first session of the Sub-Commission, and approves the Commission's request to the Secretary-General to provide adequate resources and assistance to the Working Group in the discharge of its tasks, including adequate dissemination of information about the activities of the Working Group to

Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work.

[See chap. II, sect. A, resolution 1999/51,
and chap. XV.]

17. A permanent forum for indigenous people in the United Nations system

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/52 of 27 April 1999, endorses the Commission's decisions to re-establish the open-ended inter-sessional ad hoc working group established in accordance with resolution 1998/20 to meet for eight working days prior to the fifty-sixth session of the Commission on Human Rights, and to request the working group to submit, with a view to completing its task, one or more concrete proposals on the establishment of a permanent forum for indigenous people in the United Nations system for consideration by the Commission at that session.

[See chap. II, sect. A, resolution 1999/52,
and chap. XV.]

18. Strengthening of the Office of the United Nations High Commissioner for Human Rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/54 of 27 April 1999, endorses the Commission's recommendation that the Council and the General Assembly should provide the Office of the United Nations High Commissioner for Human Rights with the means and resources necessary to carry out its increased responsibilities and that they should also provide increased resources for the special rapporteurs.

[See chap. II, sect. A, resolution 1999/54,
and chap. IV.]

19. Situation of human rights in the Democratic Republic of the Congo

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/56 of 27 April 1999, endorses the Commission's decisions:

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year, to request him to report to the Commission at its fifty-sixth session on the situation of human rights in the Democratic Republic of the Congo and on the possibilities for the international community to assist with local capacity-building, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo and the Special Rapporteur on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out, immediately after the signing of a cease-fire agreement or as soon as security considerations permit and, where appropriate, in cooperation with the National Commission of Inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo (formerly Zaire) between 1996 and 1997, a joint mission to investigate all massacres carried out on the territory of the Democratic Republic of the Congo, including those in the province of South Kivu and other atrocities as referred to in the report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (E/CN.4/1999/31), with a view to bringing to justice those responsible, and to report to the General Assembly at its fifty-fourth session and to the Commission at its fifty-sixth session.

[See chap. II, sect. A, resolution 1999/56,
and chap. IX.]

20. National institutions for the promotion and protection of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/72 of 28 April 1999, approves the Commission's requests to the Secretary-General:

(a) To continue to provide, from within existing resources, the necessary assistance for holding meetings of the Coordinating Committee of national institutions during the sessions of the Commission on Human Rights, under the auspices of, and in cooperation with, the Office of the United Nations High Commissioner for Human Rights;

(b) To continue to provide, from within existing resources and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for regional meetings of national institutions.

[See chap. II, sect. A, resolution 1999/72,
and chap. XVIII.]

21. Assistance to Somalia in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/75 of 28 April 1999, approves the Commission's requests to the Secretary-General to continue to provide the Independent expert on human rights in Somalia with all necessary assistance in carrying out her mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert.

[See chap. II, sect. A, resolution 1999/75,
and chap. XIX.]

22. Situation of human rights in Cambodia

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/76 of 28 April 1999, approves the Commission's request to the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the High Commissioner and to enable the Special Representative to continue to fulfil his tasks expeditiously.

[See chap. II, sect. A, resolution 1999/76,
and chap. XIX.]

23. Situation of human rights in Haiti

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/77 of 28 April 1999, approves the Commission's recommendation to the independent expert to report to the General Assembly at its fifty-fourth session and to the Commission at its fifty-sixth session on developments in the human rights situation in Haiti.

[See chap. II, sect. A, resolution 1999/77,
and chap. XIX.]

24. Rights of the child

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/80 of 28 April 1999, endorses the Commission's decisions:

(a) With regard to the Committee on the Rights of the Child, to request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee;

(b) With regard to the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts:

(i) To invite the Chairperson of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts to continue broad informal consultations, with the aim of promoting an early agreement on the optional protocol, and, if possible, to produce a report thereon by the end of 1999, including recommendations on how to finalize the formal negotiations;

(ii) To request the Working Group to meet early in 2000 in order to make further progress with the aim of finalizing its work before the tenth anniversary of the entry into force of the Convention, and to report to the Commission at its fifty-sixth session;

(iii) To request the Secretary-General to give the necessary support to the Working Group to meet for a maximum of two weeks;

(c) With regard to the Special Representative of the Secretary-General on the question of the impact of armed conflict on children, to request the Secretary-General to ensure that the necessary support is made available expeditiously to the Special Representative for the effective performance of his mandate;

(d) With regard to the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography:

(i) To invite the Chairperson of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography to conduct broad informal consultations, with the aim of promoting an early agreement on the optional protocol, and, if possible, to produce a report thereon by the end of 1999, including recommendations on how to finalize the formal negotiations;

(ii) To request the Working Group to meet early in 2000 in order to make further progress with the aim of finalizing its work before the tenth anniversary of the entry into force of the Convention, and to report to the Commission at its fifty-sixth session;

(iii) To request the Secretary-General to give the necessary support to the Working Group to meet for a maximum of two weeks.

The Council also endorses the Commission's decision to approve the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, contained in its resolution 1998/16 of 21 August 1998, that the mandate of Ms. Halima Embarek Warzazi as Special Rapporteur on traditional practices affecting the health of women and the girl child be extended to ensure the completion of her task as called for in Sub-Commission resolution 1996/19 of 29 August 1996.

[See chap. II, sect. A, resolution 1999/80,
and chap. XIII.]

25. Defamation of religions

The Economic and Social Council, taking note of Commission on Human Rights resolution 1999/82 of 30 April 1999, approves the Commission's recommendation to the United Nations High Commissioner for Human Rights, in the context of the preparations for the United Nations Year of Dialogue among Civilizations, to consider the holding of seminars to promote a dialogue among cultures, thus contributing to the understanding of the universality of human rights.

[See chap. II, sect. A, resolution 1999/82,
and chap. VI.]

26. Effects of structural adjustment policies on the full enjoyment of human rights

The Economic and Social Council, taking note of Commission on Human Rights decision 1999/104 of 26 April 1999, endorses the Commission's decisions:

(a) To extend for one year the mandate of the Independent expert on structural adjustment policies to: (i) assist the Working Group on structural adjustment policies and economic, social and cultural rights in the fulfilment of its mandate, in particular by elaborating draft basic policy guidelines on structural adjustment policies; and (ii) monitor new developments, including actions and initiatives being taken by international financial institutions, other United Nations bodies and intergovernmental and non-governmental organizations with respect to structural adjustment policies and human rights, and to submit a revised report to the Working Group at its third session;

(b) To authorize the Working Group to meet for two weeks well in advance of, but at least four weeks prior to, the fifty-sixth session of the Commission with the mandate to: (i) consider the updated report of the independent expert and comments received thereon; (ii) elaborate basic policy guidelines on structural adjustment programmes and economic, social and cultural rights which could serve as a basis for a continued dialogue between human rights bodies and the international financial institutions; and (iii) report to the Commission at its fifty-sixth session.

[See chap. II, sect. B, decision 1999/104,
and chap. X.]

27. Systematic rape, sexual slavery and slavery-like practices during armed conflicts, including internal armed conflict

The Economic and Social Council, taking note of Commission on Human Rights decision 1999/105 of 26 April 1999 and resolution 1998/18 of 21 August 1998 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the Commission's decision to approve the extension of the mandate of Ms. Gay J. McDougall, as Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict, for a further year in order to enable her to submit an update on developments with respect to her mandate at the fifty-first session of the Sub-Commission.

[See chap. II, sect. B, decision 1999/105,
and chap. XII.]

28. The concept and practice of affirmative action

The Economic and Social Council, taking note of Commission on Human Rights decision 1999/107 of 27 April 1999 and resolution 1998/5 of 20 August 1998 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the Commission's decision to approve the appointment of Mr. Marc Bossuyt as Special Rapporteur to undertake a study on the concept and practice of affirmative action as described in resolution 1998/5, which will pay specific attention to the recommendations made by the Sub-Commission and the Commission so as to refine further the focus and methods of the study.

[See chap. II, sect. B, decision 1999/107,
and chap. XVI.]

29. Dates of the fifty-sixth session of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 1998/112 of 28 April 1999, approves the Commission's recommendation, bearing in mind Council decision 1997/291 of 22 July 1997, that the fifty-sixth session of the Commission should be scheduled to take place from 20 March to 28 April 2000.

[See chap. II, sect. B, decision 1999/112,
and chap. III.]

30. Organization of the work of the fifty-sixth session of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 1999/113 of 28 April 1999, authorizes, if possible from within existing financial resources, thirty fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-sixth session. The Council approves the Commission's request to the Chairperson of the fifty-sixth session of the Commission to make every effort to organize the work of the session within the times normally allotted, so that the additional meetings that the Council might authorize would be utilized only if they proved to be absolutely necessary.

[See chap. II, sect. B, decision 1999/113,
and chap. III.]

31. Rationalization of the work of the Commission on Human Rights

The Economic and Social Council, taking note of the statement agreed on by consensus by the Commission on Human Rights, made by the Chairperson of the Commission on 28 April 1999, endorses the Commission's decisions contained therein:

(a) To establish an inter-sessional open-ended working group, under the agenda item entitled "Rationalization of the work of the Commission", on enhancing the effectiveness of the mechanisms of the Commission to continue the comprehensive examination of the report submitted by the Bureau as well as other contributions in this connection;

(b) To authorize the working group to meet for a total of up to 15 working days, prior to the fifty-sixth session of the Commission;

(c) To request the Chairperson of the working group to present a report to the fifty-sixth session of the Commission, including recommendations for endorsement by the Commission.

The Council approves the recommendations of the Commission that:

(a) The Council include in its resumed organizational session consideration of any proposals regarding special procedures or mandates adopted at the annual session of the Commission;

(b) The title of the Sub-Commission on Prevention of Discrimination and Protection of Minorities be immediately changed to "Sub-Commission on the Promotion and Protection of Human Rights".

[See chap. XX.]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FIFTY-FIFTH SESSION*

A. Resolutions

1999/1. Situation of human rights in Sierra Leone

The Commission on Human Rights,

Having examined the material relating to the human rights situation in Sierra Leone brought before it under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970,

Noting the observations received from the Government of Sierra Leone,

Recalling Security Council resolution 1181 (1998) of 13 July 1998, by which it established the United Nations Observer Mission in Sierra Leone whose civilian staff would, inter alia, report on violations of international humanitarian law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, assist the Government of Sierra Leone in its efforts to address the country's human rights needs,

Alarmed by the reports of the Secretary-General on the United Nations Observer Mission in Sierra Leone, which disclose horrifying violations of human rights and international humanitarian law,

Expressing concern regarding the continuing human rights abuses committed in Sierra Leone as reported in various reports submitted to the Commission on Human Rights,

Considering that the procedure governed by Economic and Social Council resolution 1503 (XLVIII) does not provide an appropriate forum to address the dramatic circumstances facing this country,

Acting under paragraph 8 of Economic and Social Council resolution 1503 (XLVIII),

1. Appeals to all factions and forces in Sierra Leone to respect human rights and abide by applicable international humanitarian law;

2. Reminds all factions and forces in Sierra Leone that in any armed conflict, including an armed conflict not of an international character, the taking of hostages, wilful killing and torture or inhuman treatment of persons taking no active part in the hostilities constitute grave breaches of international humanitarian law, and that all countries are under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches and to bring such persons, regardless of their nationality, before their own courts;

3. Decides to discontinue consideration of the human rights situation in Sierra Leone under Economic and Social Council resolution 1503 (XLVIII) and

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* Titles of agenda items appearing in resolutions and decisions below are those of the agenda of the fifty-fifth session of the Commission on Human Rights.

to take up consideration of the matter under the public procedure provided for by Commission resolution 8 (XXIII) of 16 March 1967 and Economic and Social Council resolution 1235 (XLII) of 6 June 1967, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world", at its fifty-sixth session;

4. Requests the United Nations High Commissioner for Human Rights to apprise the Commission at its fifty-sixth session of the reports of the Secretary-General about violations of human rights and international humanitarian law in Sierra Leone, including, to the extent possible, references contained in reports submitted to the Commission on Human Rights;

5. Decides that the present decision, adopted at the Commission's 16th meeting, on 6 April 1999, be made public as resolution 1999/1 of the Commission's fifty-fifth session.

16th meeting
6 April 1999
[Adopted without a vote. See chap. IX.]

1999/2. Situation of human rights in Kosovo

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the international covenants and conventions on human rights, the Convention relating to the Status of Refugees, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, as well as other instruments of international humanitarian law,

Expressing deep concern at the continued campaign of repression and the gross and systematic violations of the human rights of the Kosovars following the revocation of autonomy by the Serbian authorities,

Strongly condemning the policy of ethnic cleansing against the Kosovars being perpetrated by the Belgrade and Serbian authorities,

Condemning also the massive military operations launched by the Serbian authorities against the unarmed civilians in Kosovo, resulting in large-scale killings, systematic and planned massacres, destruction of homes and property, and forced mass exoduses to neighbouring countries, as well as internal displacement,

Alarmed by the reports of recent enforced and involuntary disappearances of large numbers of Kosovars, as well as by reports of detention and execution of several members of the Kosovar political leadership,

Recognizing that the people of Kosovo must be allowed to determine freely their own future as envisaged in the provisions of the Rambouillet agreement,

1. Condemns strongly the widespread and systematic practice of ethnic cleansing perpetrated by the Belgrade and Serbian authorities against the Kosovars, and the risk of destabilization of neighbouring countries;

2. Demands an immediate halt to all repressive actions undertaken in Kosovo by the Serbian authorities which have led to further ethnic cleansing in the region, massive criminal violations of international human rights and humanitarian law inflicted against the Kosovars, including summary executions, mass forced exoduses, destruction of personal identity documents, records, homes and property, as well as their agricultural capacity, with the aim of preventing their return, and also demands the immediate and complete withdrawal of the Belgrade army and the Serbian military and paramilitary forces from Kosovo;

3. Calls upon the international community and the International Criminal Tribunal for the former Yugoslavia to bring to justice the perpetrators of international war crimes and crimes against humanity, in particular those responsible for acts of ethnic cleansing and identity elimination in Kosovo;

4. Demands that the Serbian authorities immediately sign and implement all aspects of the Rambouillet agreement;

5. Welcomes the decision of the United Nations High Commissioner for Human Rights, in view of the gravity of the situation, to dispatch human rights monitors immediately to the region to assess the human rights and humanitarian crisis caused by the Serbian policy and practice of ethnic cleansing and to ensure compliance with international human rights and international humanitarian law;

6. Appeals to the international community, including the United Nations High Commissioner for Refugees, to extend urgently humanitarian assistance to refugees from Kosovo and the internally displaced, and in this context commends the efforts being made by the High Commissioner;

7. Underscores the right of all refugees and internally displaced persons to return to their homes in safety and honour;

8. Requests the United Nations High Commissioner for Human Rights to report to the Commission urgently on the situation of human rights and the humanitarian crisis relating to Kosovo and on the implementation of the provisions of the present resolution.

30th meeting
13 April 1999
[Adopted by a roll-call vote of 44 votes to 1,
with 6 abstentions. See chap. IX.]

1999/3. The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The Commission on Human Rights,

Noting General Assembly resolution 53/135 of 9 December 1998 and recalling its own resolution 1998/6 of 27 March 1998, *Recalling* all of its relevant resolutions, in which, *inter alia*, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling also the relevant resolutions of the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States, self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that by virtue of the principle of self-determination, as developed in the Declaration on Principles of International Law concerning Friendly Relations among States in accordance with the Charter of the United Nations, all peoples have the right to determine freely, without external interference, their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Recognizing that mercenary activities are continuing to increase in many parts of the world and are taking on new forms, permitting mercenaries to operate in a better organized way, with increased pay, and that their numbers have grown and more persons are prepared to become mercenaries,

Alarmed and concerned about the danger which the activities of mercenaries constitute to peace and security in developing countries, particularly in Africa and in small States,

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from mercenary international criminal activities,

Convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Takes note* of the report of the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/1999/11);

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflicts, terrorism, arms trafficking and covert operations by third Powers, *inter alia*, encourage the demand for mercenaries on the global market;

4. Urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State, or dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right to self-determination of peoples;

5. Calls upon all States that have not yet done so to consider taking the necessary action to sign or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

6. Welcomes the cooperation extended by those countries that have invited the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;

7. Also welcomes the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

8. Requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance;

9. Urges all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

10. Requests the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of mercenary activities on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by the activities of mercenaries;

11. Requests the Secretary-General to invite Governments to make proposals towards a clearer legal definition of mercenaries, and in this regard, requests the High Commissioner for Human Rights to convene expert meetings, as requested in General Assembly resolutions in the past, to study and update the international legislation in force and to put forward recommendations for a clearer legal definition of mercenaries that would make for more efficient prevention and punishment of mercenary activities;

12. Requests the Special Rapporteur to report, with specific recommendations, his findings on the use of mercenaries to undermine the right to self-determination to the Commission at its fifty-sixth session;

13. Decides to consider at its fifty-sixth session the question of the use of mercenaries as a means of violating human rights and impeding the

exercise of the right of peoples to self-determination under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

50th meeting
23 April 1999
[Adopted by a roll-call vote of 35 votes to 12,
with 6 abstentions. See chap. V.]

1999/4. Question of Western Sahara

The Commission on Human Rights,

Having considered in depth the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling General Assembly resolution 52/75 of 10 December 1997,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Populer para la Liberación de Saguia el-Hamra y de Río de Oro to the proposals of the Secretary-General of the United Nations and the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity in the context of their joint mission of good offices,

Recalling further Security Council resolutions 658 (1990) of 27 June 1990 and 690 (1991) of 29 April 1991, by which the Council approved the settlement plan for Western Sahara,

Recalling all the Security Council, General Assembly and Commission on Human Rights resolutions relating to the question of Western Sahara,

Reaffirming the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan,

Noting with satisfaction the entry into force of the ceasefire in accordance with the proposal of the Secretary-General, and stressing the importance it attaches to the maintenance of the ceasefire as an integral part of the settlement plan,

Also noting with satisfaction the agreements reached by the two parties during their private direct talks aimed at the implementation of the settlement plan, and stressing the importance it attaches to a full, fair and faithful implementation of the settlement plan and the agreements aimed at its implementation,

Further noting with satisfaction the progress made in the implementation of the settlement plan since December 1997, Recalling that the General Assembly has examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/52/23 [Part V], chap. IX), as well as the report of the Secretary-General (A/53/368),

1. Takes note of the report of the Secretary-General;

2. Again notes with satisfaction the agreements reached between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro for the implementation of the settlement plan during their private direct talks under the auspices of Mr. James Baker III, the Personal Envoy of the Secretary-General, and urges the parties to implement those agreements fully and in good faith;

3. Commends the Secretary-General and his Personal Envoy for their efforts in reaching these agreements, as well as the two parties for the cooperation they have shown, and urges them to continue this cooperation in order to facilitate the speedy implementation of the settlement plan;

4. Urges the two parties to continue their cooperation with the Secretary-General and his Personal Envoy, as well as with his Special Representative, and to refrain from undertaking anything that would undermine the implementation of the settlement plan and the agreements reached for its implementation;

5. Notes with satisfaction the progress achieved in connection with the implementation of the settlement plan, and in this respect calls upon the two parties to cooperate fully with the Secretary-General, his Personal Envoy and his Special Representative in implementing the various phases of the settlement plan;

6. Reaffirms the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan;

7. Reiterates its support for further efforts of the Secretary-General for the organization and the supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara that is impartial and free of all constraints, in conformity with Security Council resolutions 658 (1990) and 690 (1991), by which the Council approved the settlement plan for Western Sahara;

8. Takes note of Security Council resolutions 1131 (1997) of 29 September 1997 and 1198 (1998) of 18 September 1998;

9. Notes that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the positive ongoing implementation of the settlement plan, and to report thereon to the Assembly at its fifty-fourth session;

10. *Also notes* that the General Assembly has invited the Secretary-General to submit to it, at its fifty-fourth session a report on the implementation of the present resolution.

50th meeting
23 April 1999
[Adopted without a vote. See chap. V.]

1999/5. *Question of the violation of human rights in the occupied Arab territories, including Palestine*

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, as well as by the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the provisions of Additional Protocol I thereto, and the Hague Convention IV of 1907,

Recalling the resolutions of the Security Council, the General Assembly and the Commission on Human Rights related to the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the Occupied Palestinian Territory, including East Jerusalem, and other occupied Arab territories,

Recalling also the General Assembly resolutions on Israeli violations of human rights in the Occupied Palestinian Territory, including East Jerusalem, occupied since 1967,

Recalling further General Assembly resolutions ES-10/3, ES-10/4, ES-10/5 and ES-10/6, in which the Assembly reiterated its recommendation that the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure its respect in accordance with the provisions of common article 1 of the four Geneva Conventions,

Recalling the provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23),

Taking note of the report (E/CN.4/1999/24) of the Special Rapporteur, Mr. Hannu Halinen, regarding his mission undertaken in accordance with Commission resolution 1993/2 A of 19 February 1993, Taking note also of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968, including the latest (A/53/136 and Add.1),

Noting with great concern the continued Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights calling upon Israel to put an end to the violations of human rights and affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Gravely concerned at the stagnation of the peace process because of the contempt of the Government of Israel for the principles on which that process was based, and its refusal to carry out its commitments in line with the agreements it signed with the Palestine Liberation Organization in Washington, Cairo, Hebron and Wye River,

Recalling all its previous resolutions on the subject, including the latest, resolution 1998/1 of 27 March 1998,

1. Condemns the continued violations of human rights in the Occupied Palestinian Territory, including East Jerusalem, in particular the continuation of acts of wounding and killing perpetrated by Israeli soldiers and settlers against Palestinians, in addition to the detention of thousands of Palestinians without trial, the continuation of the confiscation of Palestinian lands, the extension and the establishment of Israeli settlements thereon, the confiscation of Palestinian property and expropriation of their land, the demolition of Palestinian homes and the uprooting of fruit trees, and calls upon Israel to cease these acts immediately since they constitute grave violations of human rights and of the principles of international law and they also constitute a major obstacle in the way of the peace process;

2. Also condemns the expropriation of Palestinian homes in Al-Amoud district in Jerusalem, the revocation of identity cards of the citizens of the Palestinian city of Jerusalem and forcing them to live outside their homes with the aim of the Judaization of Jerusalem, and calls upon the Government of Israel to put an end immediately to these practices;

3. Further condemns the use of torture against Palestinians during interrogation, which the Israeli High Court of Justice had legitimized, and calls upon the Government of Israel to refrain immediately from the current interrogation practices and to work on abolishing the above-mentioned legitimization;

4. Reaffirms that all the Israeli settlements in the Palestinian territory occupied since 1967, including East Jerusalem, are illegal, constitute a flagrant violation of the provisions of the fourth Geneva Convention of 1949 and of the principles of international law, and should be dismantled in order to achieve a just, permanent and comprehensive peace in the region of the Middle East;

5. *Also reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War is applicable to the Palestinian territory and other Arab territories occupied by Israel since 1967, including East Jerusalem, and considers any change in the geographical and demographic status of the city of East Jerusalem from its situation prior to the June 1967 war to be illegal and void;

6. *Further reaffirms* the great importance of the convening of a conference by the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in accordance with General Assembly resolutions ES-10/3, ES-10/4, ES-10/5 and ES-10/6;

7. *Calls upon* Israel to cease immediately its policy of enforcing collective punishments, such as demolition of houses and closure of the Palestinian territory, measures which constitute flagrant violations of international law and international humanitarian law, endanger the lives of Palestinians and also constitute a major obstacle in the way of peace;

8. *Calls once more upon* Israel, the occupying Power, to desist from all forms of violation of human rights in the Occupied Palestinian Territory, including East Jerusalem, and other occupied Arab territories, and to respect the bases of international law, the principles of international humanitarian law, its international commitments and the agreements it signed with the Palestine Liberation Organization;

9. *Also calls upon* Israel to withdraw from the Palestinian territory, including East Jerusalem, and the other Arab territories occupied since 1967, in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights;

10. *Requests* the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale and to report on its implementation by the Government of Israel to the Commission on Human Rights at its fifty-sixth session;

11. *Also requests* the Secretary-General to provide the Commission on Human Rights with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation;

12. *Decides* to consider this question at its fifty-sixth session under the same agenda item, as a matter of high priority.

50th meeting
23 April 1999
[Adopted by a roll-call vote of 31 votes to 1,
with 21 abstentions. See chap. VIII.]

1999/6. Human rights in the occupied Syrian Golan

The Commission on Human Rights,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the violation of their fundamental and human rights since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, including the latest, resolution 53/57 of 3 December 1998 in which the Assembly, inter alia, called upon Israel to comply with Security Council resolution 497 (1981), to put an end to its practices violating the rights of the Syrian citizens in the occupied Syrian Golan and to put an end to its occupation of the occupied Syrian Golan,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of non-acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/53/136/Add.1) and, in this connection, deploring the Israeli settlement in the occupied Arab territories and regretting Israel's constant refusal to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter of the United Nations, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973 and 425 (1978) of 19 March 1978 and the principle of land for peace, which aims at the establishment of a just and comprehensive peace in the Middle East,

Expressing its concern about the stoppage of the peace process on the Syrian and Lebanese tracks, and hoping that the commitments and guarantees reached during the previous talks will be respected in order that the talks may resume as soon as possible on both tracks,

Reaffirming its previous relevant resolutions, the most recent being resolution 1998/2 of 27 March 1998,

1. Calls upon Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, particularly resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision;

2. Also calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties;

3. Further calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and to desist from its repressive measures against them, and from all other practices mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and have no legal effect;

5. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to in the present resolution;

6. Requests the Secretary General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its fifty-sixth session;

7. Decides to include in the provisional agenda of its fifty-sixth session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

50th meeting
23 April 1999
[Adopted by a roll-call vote of 32 votes to 1,
with 20 abstentions. See chap. VIII.]

1999/7. Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Mindful that Israel is a party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem,

Recalling its previous resolutions, most recently resolution 1998/3 of 27 March 1998, in which, *inter alia*, it reaffirmed the illegality of the Israeli settlements in the occupied territories,

1. Welcomes:

(a) The Wye River Memorandum of 23 October 1998 and calls for the full implementation of the Memorandum, as well as of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995 and other related agreements;

(b) The report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/1999/24) and expresses its regret at the lack of cooperation on the part of the Government of Israel with the Special Rapporteur;

2. Expresses its grave concern:

(a) At the Israeli settlement activities and their increase since the signing of the Wye River Memorandum, including the expansion of the settlements, the installation of settlers in the occupied territories, the expropriation of land, the demolition of houses, the confiscation of property, the expulsion of local residents and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and, since they are illegal, constitute a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and are a major obstacle to peace;

(b) At and strongly condemns all acts of terrorism, whilst calling upon all parties not to allow any acts of terrorism to affect the ongoing peace process negatively;

3. Urges the Government of Israel:

(a) To comply fully with the previous Commission resolutions on the subject, most recently resolution 1998/3 of 27 March 1998;

(b) To match its stated commitment to the peace process with concrete actions to fulfil its obligations and cease completely its policy of expanding the settlements and related activities in the occupied territories, including East Jerusalem;

(c) To forgo and prevent any new installation of settlers in the occupied territories;

4. Decides to continue its consideration of this question at its fifty-sixth session.

50th meeting
23 April 1999
[Adopted by a roll-call vote of 50 votes to 1,
with 2 abstentions. See chap. VIII.]

1999/8. Human rights in Cuba

The Commission on Human Rights,

Reaffirming the obligation of all Member States to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and in the Universal Declaration of Human Rights,

Mindful that Cuba is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child,

Reasserting the Commission's obligation to promote and protect human rights on the basis of the universal nature of the Declaration, in all countries of the world, independently from other bilateral or regional issues affecting the country in question,

Expressing its concern at the continued violation of human rights and fundamental freedoms in Cuba, such as freedom of expression, association and assembly and rights associated with the administration of justice, despite the expectations raised by some positive steps taken by the Government of Cuba in the past few years,

Considering the urgent need to adopt the necessary measures to ensure full respect for human rights in Cuba and to contribute to developing a more pluralistic society and a more efficient economy, and considering also the willingness of the international community to assist therein,

1. Welcomes the fact that the Government of Cuba has taken the first steps towards the opening of society for religious institutions, and expects that Cuban citizens will be granted the right to freedom of religion and belief;

2. Encourages the Government of Cuba to continue to allow thematic special rapporteurs to visit Cuba;

3. Expresses the hope that positive steps will be taken with regard to all human rights and fundamental freedoms;

4. Expresses its concern about the adoption of the Law for the Protection of the National Independence and Economy of Cuba, and regrets the other steps taken by the Government of Cuba which are inconsistent with the Universal Declaration of Human Rights and other relevant human rights instruments;

5. Calls upon the Government of Cuba to ensure respect for human rights and fundamental freedoms, including freedom of religion, and to provide the appropriate framework to guarantee the rule of law through democratic institutions and the independence of the judicial system;

6. Reiterates its concern about the continued repression of members of the political opposition and about the detention of dissidents, most recently of the four members of the Grupo de Trabajo de la Disidencia Interna, and calls upon the Government of Cuba to release all the persons detained or imprisoned for peacefully expressing their political, religious and social views and for exercising their rights to full and equal participation in public affairs;

7. Calls upon the Government of Cuba to consider acceding to human rights instruments to which it is not yet a party, in particular the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights;

8. Invites the Government of Cuba to afford the country full and open contact with the democratic world, in order to ensure the enjoyment of all human rights for all Cuban people by utilizing international cooperation, by allowing a freer flow of people and ideas and by drawing on the experience and support of other nations;

9. Calls upon the Government of Cuba also to cooperate with other mechanisms of the Commission;

10. Recommends that the Government of Cuba take advantage of the technical cooperation programmes available to Governments under the auspices of the Office of the United Nations High Commissioner for Human Rights, designed to broaden the scope and to speed up reforms in the field of human rights and fundamental freedoms;

11. Decides to consider this matter at its fifty-sixth session under the same agenda item.

50th meeting
23 April 1999
[Adopted by a roll-call vote of 21 votes to 20,
with 12 abstentions. See chap. IX.]

1999/9. Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling also its previous resolutions, the most recent being resolution 1998/70, the relevant General Assembly resolutions, as well as the relevant resolutions and presidential statements of the Security Council, decisions of the Economic and Social Council and resolutions of the Commission on the Status of Women,

Concerned that armed confrontation persists in Afghanistan and by the ethnic nature of the conflict,

Deeply concerned about the severe situation of women and girls in Afghanistan, in particular in all areas under the control of the Taliban movement, as documented by the continued and substantiated reports of grave violations of the human rights of women and girls, including all forms of discrimination against them, such as the denial of access to health care, to all levels and types of education, to employment outside the home and, in repeated instances, to humanitarian aid, as well as restrictions upon their freedom of movement,

Taking note with appreciation of the agreement between the Taliban and the United Nations signed on 23 October 1998 on the security of United Nations personnel in Afghanistan and calling for its full implementation,

Recalling that the United Nations continues to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict, and encouraging all efforts at the national, regional and international levels aimed at finding a solution to the continuing conflict through a broad-based dialogue involving all concerned actors,

Taking into account the report of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women on her visit to Afghanistan in November 1997, Expressing deep concern at the lack of reconstruction in Afghanistan,

1. Takes note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan and of the observations contained in it (E/CN.4/1999/40);

2. Strongly condemns the mass killings and systematic human rights violations against civilians and prisoners of war;

3. Expresses its gravest concern at numerous reports of mass killings in the area of Mazar-i-Sharif and Bamian by the Taliban;

4. Notes with deep concern:

(a) The continuing pattern of human rights violations in Afghanistan;

(b) The persisting armed hostilities in Afghanistan and the complex nature of the conflict, including ethnic, religious and political aspects, which have resulted in extensive human suffering, forced displacement, including on the grounds of ethnicity, and which hinder the return of the internally displaced to their homes;

(c) The continued displacement of millions of Afghan refugees in Pakistan and the Islamic Republic of Iran as well as in other countries;

5. Condemns:

(a) The widespread violations and abuses of human rights and humanitarian law, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religion, association and movement;

(b) The continuing grave violations of the human rights of women and girls, including all forms of discrimination against them, in all areas of Afghanistan, particularly in areas under the control of the Taliban;

(c) The frequent practice of arbitrary arrest and detention and of summary trials, which have resulted in summary executions, throughout the country;

6. Also condemns the killing of Iranian diplomats and the correspondent of the Islamic Republic of Iran News Agency by Taliban combatants, as well as the attacks on and the killing of United Nations personnel in Taliban-held territories of Afghanistan, and calls upon the Taliban to fulfil their stated commitment to cooperate in urgent investigations of these heinous crimes, with a view to bringing those responsible to justice;

7. Stresses the extensive need for rehabilitation and reconstruction as well as the necessity for national reconciliation and establishment of the rule of law, good governance and democracy in Afghanistan;

8. Urges all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan and to refrain from

interfering in its internal affairs, and to end immediately the supply of arms, ammunition, military equipment, training or any other military support, including providing any foreign military personnel, to all parties to the conflict;

9. Urges all the Afghan parties:

(a) To cease hostilities immediately and to work and cooperate fully with the Special Envoy of the Secretary-General and the United Nations Special Mission to Afghanistan with a view to achieving a ceasefire, thus laying the foundation for a comprehensive political solution leading to the voluntary return of displaced persons to their homes in safety and dignity, the establishment of a broad-based fully representative government and the full exercise of the right of self-determination of the people of Afghanistan;

(b) To reaffirm publicly their commitment to international human rights and principles and to recognize, protect and promote all human rights and fundamental freedoms;

(c) To protect civilians, to halt the use of weapons against the civilian population, to stop the laying of landmines, especially anti-personnel mines, and to prohibit conscripting or enlisting children or using them to participate in hostilities, in violation of international law, and ensure their reintegration into society;

(d) To provide efficient and effective remedies to the victims of grave violations and abuses of human rights and of accepted humanitarian rules and to bring the perpetrators to trial;

(e) To fulfil their obligations and commitments regarding the safety of all personnel of diplomatic missions, the United Nations and other international organizations, as well as of their premises in Afghanistan, and to cooperate, fully and without discrimination on grounds of gender, nationality or religion, with the United Nations and associated bodies, as well as with other humanitarian organizations, agencies and non-governmental organizations, in order to facilitate full resumption of their cooperation;

(f) To provide the International Committee of the Red Cross access to all prisoners;

(g) To treat all suspects and convicted or detained persons in accordance with relevant international instruments and to refrain from arbitrary detention, including of civilian foreign nationals, and urges their captors to release them, as well as non-criminal civilian prisoners;

10. Urges all the Afghan parties, and in particular the Taliban, to bring to an end without delay all violations of human rights of women and girls and to take urgent measures to ensure:

(a) The repeal of all legislative and other measures which discriminate against women;

(b) The effective participation of women in civil, cultural, economic, political and social life throughout the country;

(c) Respect for the right of women to work, and reintegration in their employment;

(d) The right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;

(e) Respect for women's right to security of person, and to ensure that those responsible for physical attacks on women are brought to justice;

(f) Respect for women's freedom of movement and effective and equal access to facilities necessary to protect their right to the highest attainable standard of physical and mental health;

11. Invites:

(a) The Secretary-General to implement promptly security conditions permitting the decision to investigate fully reports of mass killings of prisoners of war and civilians, rape and other cruel treatment in Afghanistan, and calls upon the United Front and the Taliban to fulfil their stated commitment with respect to such investigations;

(b) The Secretary-General to ensure that the deployment of the civilian affairs observers in Afghanistan takes place as soon as possible, security conditions permitting, and that gender issues are fully incorporated into their mission;

(c) The Secretary-General to exert efforts to ensure a gender perspective in the selection of the staff of the United Nations Special Mission to Afghanistan, in order to enhance the role of women in preventive diplomacy, peacemaking and peacekeeping;

(d) The Special Rapporteur to continue to pay attention to the human rights of women and children and to apply a gender perspective in a similar manner in his report to the Commission at its fifty-sixth session;

(e) The United Nations to offer, once national reconciliation is achieved and upon request of the governmental authorities, advisory services and technical assistance concerning, inter alia, the drafting of a constitution, which should embody internationally accepted human rights principles and provide for the holding of direct elections;

12. Appeals to Member States and to the international community:

(a) To provide, on a non-discriminatory basis, humanitarian assistance to the people of Afghanistan and to the Afghan refugees in the neighbouring countries;

(b) To intensify the programme for the removal of millions of anti-personnel landmines laid in Afghanistan;

(c) To ensure that all United Nations-assisted programmes in Afghanistan are formulated and coordinated in such a way as to promote and ensure the participation of women in those programmes, and that women benefit equally with men from such programmes;

(d) To implement the recommendations of the inter-agency gender mission in Afghanistan under the leadership of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women;

(e) To take urgent measures to prevent the demolition and the looting of cultural artefacts and ensure that artefacts that have been illegally removed are returned to Afghanistan;

13. Requests:

(a) The Afghan parties to extend their full cooperation to the Special Rapporteur and to facilitate his access to all sectors of society and to all parts of the country;

(b) The Secretary-General to give all necessary assistance to the Special Rapporteur and to give due consideration to his recommendations in the formulation of United Nations activities in Afghanistan;

(c) The United Nations High Commissioner for Human Rights to ensure a human rights presence in the context of the United Nations activities in Afghanistan in order to provide advice and training in the field of human rights to all the Afghan parties, as well as to the intergovernmental and non-governmental organizations active in the field;

14. Decides:

(a) To extend the mandate of the Special Rapporteur for one year, and requests the Special Rapporteur to report on the situation of human rights in Afghanistan to the General Assembly at its fifty-fourth session and to the Commission on Human Rights at its fifty-sixth session;

(b) To continue its consideration of the situation of human rights in Afghanistan, as a matter of high priority, at its fifty-sixth session under the same agenda item.

50th meeting
23 April 1999
[Adopted without a vote. See chap. IX.]

1999/10. Situation of human rights in Burundi

The Commission on Human Rights,

Mindful of the Charter of the United Nations, the Universal Declaration of Human Rights and the international covenants on human rights,

Reaffirming its commitment to respect for the principles of the rule of law, which involve democracy, pluralism and respect for human rights and fundamental freedoms, Stressing that all States have the duty to promote and protect human rights and to fulfil their obligations under the various instruments to which they are parties,

Considering Security Council resolution 1072 (1996) of 30 August 1996,

Recalling its resolution 1998/82 of 24 April 1998,

Recalling also that the primary responsibility for peace lies with the Government and people of Burundi,

Acknowledging the efforts made by the United Nations, the Organization of African Unity and the European Union aimed at contributing to a peaceful settlement of the Burundian crisis,

Acclaiming the decision of the Government of Burundi to launch a comprehensive peace process and initiate nationwide political negotiations open to all parties, and the progress made in negotiations among the political forces, including the signature of a political compact as part of the internal peace process,

Taking into account the efforts made so far by the Burundian Government and other parties to the Arusha talks to bring about lasting peace,

Considering that effective action to prevent further violations of human rights and fundamental freedoms is essential to the stability and reconstruction of Burundi and the lasting restoration of the rule of law,

Recognizing the important role of women in the reconciliation process and the search for peace, and urging the Government of Burundi to ensure the equal participation of women in Burundian society and to improve their living conditions,

1. Takes note of the interim report by the Special Rapporteur on the situation of human rights in Burundi to the General Assembly (A/53/490, annex) and his oral presentation to the Commission on the human rights situation in Burundi;

2. Supports the political compact between the Government of Burundi and the National Assembly, and the dialogue among Burundians, including the armed factions, taking place in the Arusha peace process;

3. Hails the suspension by the neighbouring countries of their embargo on Burundi;

4. Encourages the Government of Burundi to continue its actions aimed at associating all sectors of Burundian society in the work of national reconciliation and at the restoration of a safe, generally reassuring institutional order so as to bring back democracy and peace in the interest of the Burundian population;

5. Takes note of progress in security and public order but regrets that the security situation in parts of the country remains unstable, forcing many people to leave their homes;

6. _Encourages_ continued efforts to dismantle the regroupment camps and the return of displaced persons to their villages as and when security conditions permit;

7. _Takes note_ of the efforts by the Government of Burundi to ensure that established legal safeguards for human rights and international human rights standards are fully respected;

8. _Invites_ the Government of Burundi to take more measures, including in the judicial sphere, to put an end to impunity, in particular by bringing to trial those responsible for violations of human rights and of international humanitarian law, in accordance with relevant international principles, and urges the Government to accelerate the specific procedures for inquiries in case of such violations;

9. _Exhorts_ the Government of Burundi to make its judicial institutions more effective and transparent, and to address the questions of the length of provisional detention and conditions in detention;

10. _Welcomes_ the efforts of the Government of Burundi to ensure the safety of staff of the United Nations and humanitarian organizations and that of individuals in Burundi serving in the same cause;

11. _Urges_ all parties to the conflict to end the cycle of violence and killings, especially blind violence against the civilian population;

12. _Takes note_ of the encouraging signs in the struggle against impunity and for the promotion of human rights on the part of the Government of Burundi, but expresses its deep concern at the violations of human rights and of international humanitarian law, in particular reports of massacres, enforced or involuntary disappearances, and arbitrary arrests and detention;

13. _Supports_ the continuation by the Office of the United Nations High Commissioner for Human Rights of the programme of assistance for members of the armed forces and the police in the field of human rights and legal assistance;

14. _Adjures_ the parties to the conflict to abstain rigorously from any action liable to hamper operations by the International Committee of the Red Cross and other humanitarian assistance to those affected by the war;

15. _Also adjures_ all parties to the conflict in Burundi to work constructively with the international mediators in the search for a lasting peace;

16. _Expresses its appreciation_ of efforts by the mediators of the United Nations, the Organization of African Unity and the European Union in the search for a lasting solution to the problems of Burundi;

17. _Encourages_ the Organization of African Unity in its efforts, particularly through its Mechanism for Conflict Prevention, Management and Resolution, to remain engaged in preventing the further deterioration of the situation;

18. Reaffirms that peace, development, human rights and humanitarian issues are interdependent, and thus welcomes the call made by the Security Council in resolution 1234 (1999) of 9 April 1999 for an international conference on peace, security and stability in the Great Lakes region;

19. Commends the human rights observer mission in Burundi for the activities it is conducting in the field, welcomes the cooperation afforded to it by the Government of Burundi, and calls for the strengthening of that observer mission through voluntary contributions;

20. Condemns the illegal sale and distribution of weapons and related materials which disturb peace and security in the region;

21. Requests States not to allow their territories to be used as bases for incursions or attacks against another State, in violation of the principles of international law, including the Charter of the United Nations;

22. Exhorts States and international, governmental and non-governmental organizations to cooperate with initiatives to put Burundi back on its feet, and to give the Government of Burundi financial backing for such initiatives;

23. Urges the international community to resume economic cooperation with Burundi and to continue to provide humanitarian assistance needed by displaced persons and returnees in Burundi, so that the peace process initiated in the country may become a tangible sign of reconciliation;

24. Decides to extend the Special Rapporteur's mandate by one year, and to request the Special Rapporteur to submit an interim report on the human rights situation in Burundi to the General Assembly at its fifty-fourth session, and a report to the Commission at its fifty-sixth session, giving his work a gender-specific dimension.

50th meeting
23 April 1999
[Adopted without a vote. See chap. IX.]

1999/11. Situation of human rights in Nigeria

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and applicable human rights instruments,

Recalling that Nigeria is a party to the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, as well as the African Charter on Human and Peoples' Rights, _Recalling also_ previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently Assembly resolution 53/161 of 9 December 1998 and Commission resolution 1998/64 of 21 April 1998,

1. _Takes note with appreciation_ of:

(a) The report of the Special Rapporteur on the situation of human rights in Nigeria (E/CN.4/1999/36), submitted following his visit to Nigeria at the invitation and with the cooperation of the Government of Nigeria;

(b) The update on the situation provided by the Special Rapporteur in his oral presentation to the Commission at its fifty-fifth session;

(c) The report of the Commission of Inquiry of the International Labour Organization which visited Nigeria in August 1998 at the invitation of the Government of Nigeria;

2. _Welcomes_ the profound changes that have taken place in Nigeria since the inception of the administration of General Abdulsalami A. Abubakar as described in the report and in the presentation by the Special Rapporteur;

3. _Commends_ the Government for the measures it has already taken to promote, protect and enhance the enjoyment of human rights and fundamental freedoms in the country, including:

(a) The release of all political prisoners and detainees;

(b) Measures to strengthen the judiciary and to enhance the rule of law;

(c) Prison reform, including measures to alleviate overcrowding and to improve the living conditions of prisoners, as well as the conditions of service of prison personnel;

(d) The repeal or amendment of decrees that had infringed on fair trial guarantees, freedom of opinion and freedom of association, thereby enabling, _inter alia_, the holding of elections to the various trade union executives;

(e) The recent establishment of a presidential committee on development options in the Niger delta;

and encourages the Government of Nigeria to make further progress in these areas;

4. _Commends_ the successful holding of free and fair elections, on the basis of democratic principles, a multiparty system and universal suffrage, to all tiers of government in the country, in particular the office of President, representing a significant step on the way to the installation of a democratically elected administration on 29 May 1999;

5. _Expresses its full support and cooperation_ to the Government of Nigeria in its efforts to consolidate national cohesion, strengthen the

policy, develop the economy and build a peaceful and stable Nigeria rooted in respect for human rights, the rule of law, democracy and good governance, and reaffirms the vital role of civil society in these efforts;

6. Calls upon the Government of Nigeria to enhance the independence and effectiveness of the National Human Rights Commission in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights, which are annexed to General Assembly resolution 48/134 of 20 December 1993, including through the provision of adequate resources;

7. Requests the Office of the United Nations High Commissioner for Human Rights to respond positively, as a matter of priority, to any requests from the Government of Nigeria for technical assistance and advisory services and the strengthening of national capacity in the field of human rights;

8. Decides to conclude its consideration of the situation of human rights in Nigeria.

51st meeting
23 April 1999
[Adopted without a vote. See chap. IX.]

1999/12. Human rights situation in southern Lebanon and west Bekaa

The Commission on Human Rights,

Gravely concerned at the persistent practices of the Israeli occupation forces in southern Lebanon and west Bekaa, which constitute a violation of the principles of international law regarding the protection of human rights, in particular the Universal Declaration of Human Rights, as well as a grave violation of the relevant provisions of international humanitarian law as contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Fourth Hague Convention of 1907,

Reiterating its deep regret at the failure of Israel to implement Security Council resolution 425 (1978) of 19 March 1978,

Reminding all parties concerned to abide by the April 1996 Understanding,

Censuring the Israeli attacks, in southern Lebanon and west Bekaa, which cause a large number of deaths and injuries among civilians, displace families and destroy dwellings and properties,

Reaffirming that the continued occupation and practices of the Israeli forces constitute a violation of the relevant resolutions of the Security Council and of the conventions in force on this matter,

Hoping that the efforts made in order to implement Security Council resolution 425 (1978) and to achieve peace in the Middle East will put an end to the violations of human rights that are being committed in the zone in southern Lebanon and west Bekaa occupied by Israel and that the peace negotiations will be resumed with a view to reaching a settlement of the Middle East conflict and achieving a just and comprehensive peace in the region,

Gravely concerned at the persistent detention by Israel of many Lebanese civilians, among whom are minors, women and the elderly, in the detention centre of Khiyam, and at the death of some detainees as a result of ill-treatment and torture,

Expressing its indignation at the ruling handed down on 4 March 1998 by the Israeli Supreme Court permitting the Israeli authorities to retain Lebanese detainees in Israeli prisons without trial and to hold them as hostages and for bargaining purposes and to renew their incommunicado detention, which constitutes a flagrant violation of the principles of human rights,

Reaffirming its resolution 1998/62 of 21 April 1998, and expressing its deep regret at the failure of Israel to implement this resolution,

1. Deplores the continued Israeli violations of human rights in the occupied zone in southern Lebanon and west Bekaa, demonstrated in particular by the abduction and arbitrary detention of civilians, the destruction of their dwellings, the confiscation of their property, the expulsion from their land, the bombardment of villages and civilian areas, and other practices violating human rights;

2. Calls upon Israel to put an immediate end to such practices, in air raids and the use of prohibited weapons, and to implement Security Council resolution 425 (1978) of 19 March 1978 requiring Israel's immediate, total and unconditional withdrawal from all Lebanese territories and respect for the sovereignty, independence and territorial integrity of Lebanon;

3. Also calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and the western Bekaa, to comply with the Geneva Conventions of 1949, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

4. Further calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and west Bekaa, to refrain from holding the abducted Lebanese citizens incarcerated in its prisons as hostages for bargaining purposes, and to release them immediately as well as other persons arbitrarily detained in prisons and detention centres in the occupied territories in Lebanon, in violation of all the Geneva Conventions and other provisions of international law;

5. Affirms the obligation for Israel, the occupying Power of territories in southern Lebanon and west Bekaa, to commit itself to allowing the International Committee of the Red Cross and the families of the detainees to intensify their visits, as well as to allowing other international humanitarian organizations to visit the detainees and to verify their sanitary and humanitarian conditions and, in particular, the circumstances which led to the death of some of them as a result of ill-treatment or acts of torture;

6. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its fifty-fourth session and to the Commission on Human Rights at its fifty-sixth session on the results of his efforts in this regard;

7. Decides to continue its consideration of the situation of human rights in southern Lebanon and west Bekaa at its fifty-sixth session.

51st meeting
23 April 1999
[Adopted by a roll-call vote of 49 votes to 1,
with 3 abstentions. See chap. IX.]

1999/13. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, the most recent of which are Assembly resolution 53/158 of 9 December 1998 and Commission resolution 1998/80 of 22 April 1998,

1. Welcomes:

(a) The report of the Special Representative of the Commission (E/CN.4/1999/32) which notes that the Government's plans for a tolerant, diverse and law-abiding society continue to unfold and that their full implementation could have a major impact on human rights in the Islamic Republic of Iran;

(b) The stated commitment made by the Government of the Islamic Republic of Iran to promote respect for the rule of law, including the elimination of arbitrary arrest and detention and to reform the legal and penitentiary system and bring it into line with international human rights standards in this field;

(c) The more open debate in the Islamic Republic of Iran on issues of governance and human rights, as well as governmental efforts to make progress in the area of freedom of expression, while remaining concerned at instances of arbitrary closure of publications and cases of harassment and intimidation of journalists;

(d) The efforts undertaken by the Government of the Islamic Republic of Iran to investigate the recent wave of disappearances, suspicious deaths and killings of intellectuals and political activists, and urges the Government to bring the alleged perpetrators to justice;

(e) The holding, on 26 February 1999, of the first local elections in the Islamic Republic of Iran, which reflect an effort by the Government to make local governance more transparent and more responsible;

(f) The assurances given by the Government of the Islamic Republic of Iran that it has no intention of taking any action whatsoever to threaten the life of Mr. Salman Rushdie and those associated with his work or of encouraging or assisting anyone to do so, and that it dissociates itself from any reward offered in this regard and does not support it;

(g) The invitation extended by the Government of the Islamic Republic of Iran to the Working Group on Enforced or Involuntary Disappearances to visit Iran, which will hopefully take place in the near future;

2. Notes with interest:

(a) Positive statements by the Government of the Islamic Republic of Iran about the need to review laws and attitudes which discriminate against women, and the gradual increase of the presence of women in public life in Iran;

(b) The reported elimination of discrimination against Baha'i youth in enrolment in the pre-university year at the high-school level, while remaining concerned that their entry to universities continues to be refused;

(c) The increasing focus of the Islamic Human Rights Commission on the human rights situation in the Islamic Republic of Iran and expresses its hope that the Commission will come into line with the 1993 Principles relating to the status of national institutions for the promotion and protection of human rights, which is annexed to General Assembly resolution 48/134 of 20 December 1993;

(d) The beginnings of a public discussion in Iran on the appropriateness of the death penalty for drug-related offences;

3. Expresses its concern:

(a) At the fact that no invitation has yet been extended by the Government of the Islamic Republic of Iran to the Special Representative to visit the country, and calls upon the Government to extend an invitation to him and resume its full cooperation with the Special Representative in the discharge of his mandate;

(b) At the continuing violations of human rights in the Islamic Republic of Iran, as reported by the Special Representative, in particular the high number of executions, cases of torture and cruel, inhuman or degrading treatment or punishment, including sentences of stoning and public executions, the failure to meet international standards in the administration of justice and the absence of due process of law, and also at the apparent absence of respect for internationally recognized legal safeguards and the use of national security laws to deny the rights of the individual;

(c) At the continued discrimination against religious minorities, in particular the unabated and, in some instances, worsened pattern of persecution against the Baha'is, including death sentences, executions, arrests and the closure of the Baha'i Institute of Higher Education;

(d) At the continued lack of full and equal enjoyment by women of their human rights as reported by the Special Representative;

(e) At continuing threats by the 15 Khordad Foundation to the life of Mr. Salman Rushdie, including the increase in the bounty announced by the Foundation after the assurances given by the Government of Iran in New York in September 1998;

4. Calls upon the Government of the Islamic Republic of Iran:

(a) To continue its positive efforts to consolidate respect for the rule of law, and to abide by its freely undertaken obligations under the International Covenants on Human Rights and under other international instruments on human rights;

(b) To ensure that capital punishment will not be imposed for other than the most serious crimes, not for apostasy or otherwise in disregard of the provisions of the International Covenant on Civil and Political Rights and United Nations safeguards, and to provide the Special Representative with relevant statistics on this matter;

(c) To implement fully the conclusions and recommendations of the Special Rapporteur on religious intolerance relating to the Baha'is and other minority religious groups until they are completely emancipated;

(d) To take all necessary steps to end the use of torture and the practice of amputation, stoning and other forms of cruel, inhuman and degrading punishment;

(e) To take further measures to eliminate the continued discrimination in law and in practice against women;

(f) To make full use of technical cooperation programmes in the field of human rights, and welcomes in this context the willingness of the Government to introduce international human rights standards into the curricula of universities;

5. Decides:

(a) To extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, and requests the Special Representative to submit an interim report to the General Assembly at its fifty-fourth session and to report to the Commission at its fifty-sixth session, and also to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully;

(c) To continue its examination of the situation of human rights in the Islamic Republic of Iran, including the situation of the Baha'is and other minority groups, at its fifty-sixth session under the same agenda item.

51st meeting
23 April 1999
[Adopted by a roll-call vote of 23 votes to 16,
with 14 abstentions. See chap. IX.]

1999/14. Situation of human rights in Iraq

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Iraq is a party to the International Covenants on Human Rights, to other international human rights instruments and to the Geneva Conventions of 12 August 1949 on the protection of war victims,

Recalling:

(a) Previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently Assembly resolution 53/157 of 9 December 1998 and Commission resolution 1998/65 of 21 April 1998;

(b) Security Council resolutions 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention; 687 (1991) of 3 April 1991; 688 (1991) of 5 April 1991, in which the Council demanded an end to repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and that the human rights of all Iraqi citizens be respected; 986 (1995) of 14 April 1995; 1111 (1997) of 4 June 1997; 1129 (1997) of 12 September 1997; 1143 (1997) of 4 December 1997; 1153 (1998) of 20 February 1998; 1175 (1998) of 19 June 1998 and 1210 (1998) of 24 November 1998, by which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies;

(c) The concluding observations of the Human Rights Committee (CCPR/C/79/Add.84), the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.28), the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.17) and the Committee on the Rights of the Child (CRC/C/15/Add.94) on Iraq's recent reports to these treaty monitoring bodies,

1. Welcomes the report of the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/1999/37) and the observations on the general situation, including with regard to the communities in the northern and southern regions and also the still missing persons, including prisoners of war, Kuwaiti nationals and third country nationals, and the conclusions and recommendations contained in the report, and notes his dismay that there has been no improvement in the situation of human rights in the country;

2. Strongly condemns:

(a) The systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(b) Suppression of freedom of thought, expression, information, association, assembly and movement through fear of arrest, imprisonment and other sanctions, in particular widespread and arbitrary application of the death penalty;

(c) Summary and arbitrary executions, including political killings and the continued so-called clean-out of prisons, as well as enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law, for example the execution of delinquents for minor property offences and customs violations;

(d) Widespread, systematic torture and the enactment and implementation of decrees prescribing cruel and inhuman punishment as a penalty for offences;

3. Calls upon the Government of Iraq:

(a) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(b) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(c) To cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

(d) To establish independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(e) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilation, and to ensure that torture and cruel punishment and treatment no longer occur;

(f) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression, and to ensure that the genuine will of the people shall be the basis of authority of the State;

(g) To cease immediately its continued repressive practices, including the practice of forced deportation and relocation, against the Iraqi Kurds, Assyrians and Turkmen, and against the population of the southern marsh areas, where drainage projects have provoked environmental destruction and a deterioration of the situation of the civilian population, and to ensure the personal integrity and freedoms, including the full freedom of belief, of the Shi'a and their religious establishment;

(h) To cooperate with the Tripartite Commission to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third country nationals, victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances for that purpose, and to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities, through the mechanism established by the Security Council in resolution 692 (1991) of 20 May 1991;

(i) To release immediately all Kuwaitis and nationals of other States who may still be held in detention and inform families about the whereabouts of arrested persons, to provide information about death sentences imposed on prisoners of war and civilian detainees, and to issue death certificates for deceased prisoners of war and civilian detainees;

(j) To cooperate fully with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(k) To continue to cooperate in the implementation of Security Council resolutions 986 (1995), 1111 (1997), 1143 (1997), 1153 (1998) and 1210 (1998), to ensure fully the equitable distribution, without discrimination, to the Iraqi population, including in remote areas, of the humanitarian supplies purchased with the proceeds of Iraqi oil, and to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country;

(l) To cooperate in the identification of minefields existing throughout Iraq with a view to facilitating their marking and eventual clearing;

4. Decides:

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year, and requests the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-fourth session and to report to the Commission at its fifty-sixth session, and also to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

(c) To continue its consideration of the situation of human rights in Iraq at its fifty-sixth session under the same agenda item.

51st meeting
23 April 1999
[Adopted by a roll-call vote of 35 votes to none,
with 18 abstentions. See chap. IX.]

1999/15. Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that the Sudan is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the African Charter on Human and Peoples' Rights,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the situation of human rights in the Sudan, most recently Commission resolution 1998/67 of 21 April 1998, as well as Assembly resolution 53/1 O of 17 December 1998 on emergency assistance to the Sudan,

Welcoming the Peace Agreement of 1997, the acceptance of the Declaration of Principles as a basis for negotiations and the declaration of a comprehensive ceasefire on 5 April 1999, at the same time deeply concerned at the impact of the continuing conflict in the Sudan between the Government of the Sudan and the Sudan People's Liberation Movement/Army on the situation of human rights and at the disregard by all parties to the conflict of relevant rules of international humanitarian law, Condemning the recent murder of four Sudanese relief workers while in the custody of the Sudan People's Liberation Army,

Aware of the urgent need for implementing effective measures in the field of human rights and humanitarian relief to protect the civilian population from the effects of armed conflict,

Expressing its firm belief that progress towards a peaceful settlement of the conflict in southern Sudan within the Inter-governmental Authority on Development peace initiative will greatly contribute to the creation of a better environment for the respect of human rights in the Sudan,

Pleased at the invitations extended by the Government of the Sudan to the Special Rapporteur on the situation of human rights in the Sudan, the Special Rapporteurs on religious intolerance and on freedom of opinion and expression and the Working Group on Contemporary Forms of Slavery,

1. Welcomes:

(a) The report of the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1999/38);

(b) The recent visit by the Special Rapporteur to the Sudan at the invitation of the Government of the Sudan and the full cooperation extended by the Government of the Sudan;

(c) The expressed commitment of the Government of the Sudan to respect and promote human rights and the rule of law and its expressed commitment to a process of democratization with a view to establishing a representative and accountable government, reflecting the aspirations of all people of the Sudan;

(d) The stipulation of basic human rights and freedoms in the Constitution of the Sudan which entered into force on 1 July 1998;

(e) The establishment of the Constitutional Court;

(f) Reports of recent improvements regarding the freedom of expression and association;

(g) Efforts to implement the right to education;

(h) The liberation of political detainees by the Government of the Sudan;

(i) The efforts to address the problem of internally displaced persons;

(j) The recent visit by the Special Representative of the Secretary-General for children and armed conflict and the cooperation extended by the Government of the Sudan in this regard;

(k) The commitment made by the Government of the Sudan to the Special Representative of the Secretary-General for children and armed conflict not to recruit children under the age of 18 as soldiers;

2. Expresses its deep concern:

(a) At the impact of the current conflict on the situation of human rights and its adverse effect on the civilian population, in particular women and children, and at continuing serious violations of human rights, fundamental freedoms and relevant provisions of international humanitarian law perpetrated by all parties to the conflict, in particular:

(i) At the occurrence of cases of extrajudicial, summary or arbitrary executions resulting from armed conflicts between members of the armed forces and armed insurgent groups within the country;

(ii) At the occurrence, within the framework of the conflict in southern Sudan, of cases of enforced or involuntary disappearance, the use of children as soldiers and combatants, forced conscription, forced displacement, arbitrary detention, torture and ill-treatment of civilians;

(iii) At the abduction of women and children to be subjected to forced labour or similar conditions;

(iv) At the use of weapons, including landmines, against the civilian population;

(b) At violations of human rights in areas under the control of the Government of the Sudan, in particular:

(i) At the widespread occurrence of torture, and cases of arbitrary arrest and detention without trial, in particular of political opponents;

(ii) At cases of severe restrictions on the freedom of religion and peaceful assembly;

(iii) At the widespread intimidation of the population by the security organs;

3. Urges all parties to the continuing conflict in the Sudan:

(a) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, thereby facilitating the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of international humanitarian law are brought to justice;

(b) To stop immediately the use of weapons, including landmines, against the civilian population, and in particular the Sudan People's Liberation Army, to abstain from using civilian premises for military purposes;

(c) To grant safe and unhindered access to international agencies and humanitarian organizations in order to facilitate by all means the delivery of humanitarian assistance to all civilians in need of protection and assistance, in particular in Bahr-el-Ghazal and in the Nuba Mountains, and to continue to cooperate with the Office for the Coordination of Humanitarian Affairs of the United Nations and Operation Lifeline Sudan to deliver such assistance;

(d) In particular the Sudan People's Liberation Army, to stop attacks on relief and humanitarian workers, urges the Sudan People's Liberation Army to permit a thorough investigation into the deaths of four Sudanese relief workers and expects it to return the bodies to their families;

(e) To continue to cooperate with the peace efforts of the Inter-governmental Authority on Development;

(f) In particular the Sudan People's Liberation Army, not to divert relief supplies, including food, from their civilian recipients;

(g) Not to use children under the age of 18 as soldiers, and urges the Sudan People's Liberation Army to undertake a similar commitment to that made by the Government of the Sudan to the Special Representative of the Secretary-General for children and armed conflict not to recruit children under the age of 18 as soldiers, and to refrain from the practice of forced conscription;

4. Calls upon the Government of the Sudan:

(a) To comply fully with its obligations under international human rights instruments to which the Sudan is a party and to promote and protect human rights and fundamental freedoms, as well as to respect its obligations under international humanitarian law;

(b) To ensure the rule of law by bringing legislation more into line with the Constitution and the practice of law enforcement more into line with legislation;

(c) To continue its efforts to bring its national legislation into conformity with applicable international human rights instruments to which the Sudan is a party and to ensure that all individuals in its territory and subject to its jurisdiction enjoy fully the rights recognized in those instruments;

(d) To take all effective measures to end all acts of torture and cruel, inhuman or degrading treatment and ensure that all accused persons are held in ordinary custody and receive prompt, just and fair trials under internationally recognized standards, and investigate all reported acts of torture brought to its attention;

(e) To investigate reports of the abduction of women and children taking place in the framework of the conflict in southern Sudan, bring to trial any persons suspected of supporting or participating in such activities and facilitate the safe return of affected children to their families as a matter of priority, and to accept, inter alia, a multilateral investigation into the causes of the abduction of women and children subjected to forced labour or similar conditions, as well as ways and means to obtain the eradication of this practice;

(f) To stop immediately the indiscriminate aerial bombardment of civilian and humanitarian targets, including hospitals, which runs counter to fundamental principles of human rights and humanitarian law;

(g) To ensure full respect for freedom of opinion, expression, thought, conscience and religion, as well as freedom of association and assembly throughout the territory of the Sudan;

(h) To implement fully its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and wholly reflects the aspirations of the people of the country and ensures their full participation;

(i) To comply with the commitment made to the Special Representative of the Secretary-General for children and armed conflict not to recruit children under the age of 18 as soldiers;

5. Encourages the Government of the Sudan to continue to pursue its dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to establishing a permanent representation of the High Commissioner in Khartoum;

6. Calls upon the international community to expand its support for activities aimed at the improvement of respect for human rights and humanitarian law during the conflict;

7. Decides:

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for a further year and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fourth session and to report to the Commission at its fifty-sixth session on the situation of human rights in the Sudan and to continue to keep a gender perspective in mind in the reporting process;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

(c) To request the Office of the United Nations High Commissioner for Human Rights urgently to take into consideration requests for assistance by the Government of the Sudan, including with a view to the establishment of a permanent representation of the High Commissioner for Human Rights in Khartoum as a matter of priority;

8. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 5.]

51st meeting
23 April 1999
[Adopted without a vote. See chap. IX.]

1999/16. Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling its resolution 1998/66 of 21 April 1998 and taking note of the report of the Secretary-General on the question (E/CN.4/1999/27),

1. Urges Governments to refrain from all acts of intimidation and reprisal against:

(a) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;

(b) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;

(c) Those who submit or have submitted communications under procedures established by human rights instruments;

(d) Those who are relatives of victims of human rights violations;

2. Requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way;

3. Also requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals;

4. Further requests such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisal and of hampering of access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. Requests the Secretary-General to draw the attention of such representatives and treaty bodies to the present resolution;

6. Invites the Secretary-General to submit to the Commission at its fifty-sixth session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against the persons referred to in paragraph 1 above;

7. Decides to consider the question again at its fifty-sixth session.

52nd meeting
23 April 1999
[Adopted without a vote. See chap. IX.]

1999/17. Situation of human rights in Myanmar

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Gravely concerned at the increasingly severe and systematic violations of human rights in Myanmar and the failure of the Government of Myanmar to cooperate with the Special Rapporteur,

Aware that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government and therefore gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Recalling the observation made by the Special Rapporteur that the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar,

Mindful that Myanmar is a party to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Geneva Conventions of 12 August 1949 on the protection of war victims, the International Labour Organization's Forced Labour Convention, 1930 (No. 29) and the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87),

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently Assembly resolution 53/162 of 9 December 1998 and Commission resolution 1998/63 of 21 April 1998,

1. Welcomes:

(a) The report of the Special Rapporteur (E/CN.4/1999/35) on the situation of human rights in Myanmar and the report of the Secretary-General (E/CN.4/1999/29);

(b) The accession by the Government of Myanmar to the Convention on the Elimination of All Forms of Discrimination against Women and earlier to the Convention on the Rights of the Child;

(c) The pardoning and release on humanitarian grounds on 20 January of U Ohn Myint and on 11 February of Ma Thida, but notes at the same time a significant increase in the number of political prisoners during 1998;

(d) The efforts currently being undertaken by the Special Envoy of the Secretary-General for a visit to Myanmar;

2. Reaffirms the need to provide adequate protection and assistance for persons fleeing from Myanmar and, in this context, takes note with appreciation of the efforts of the Government of Thailand in providing assistance and the expanded role played by the Office of the United Nations High Commissioner for Refugees;

3. Expresses its grave concern:

(a) At the continued closure of many institutions of higher education for political reasons for over two years;

(b) That the composition and working procedures of the National Convention do not permit either members of Parliament-elect or representatives of the ethnic minorities to express their views freely, and is concerned that the National Convention is not working towards national reconciliation;

(c) At the widespread and systematic use of forced labour, as indicated in the report of the Commission of Inquiry set up under article 26 of the Constitution of the International Labour Organization and the failure of the Government so far to implement the Commission's recommendation that it ensure the cessation by the authorities, and in particular the military, of such practices;

(d) That the Government of Myanmar refuses to cooperate with, and has not yet agreed to a visit by, the Special Rapporteur;

4. Deplores:

(a) The continuing violations of human rights in Myanmar, as reported by the Special Rapporteur, including extrajudicial, summary or arbitrary executions (particularly in areas of ethnic tension) and enforced disappearances, torture, abuse of women and children by government agents, arbitrary seizures of land and property, and the imposition of oppressive measures directed in particular at ethnic and religious minorities, including systematic programmes of forced relocation, destruction of crops and fields, and the widespread use of forced labour, including for work on infrastructure projects and as porters for the army;

(b) The wide disrespect of the rule of law, including increasing numbers of arbitrary and politically motivated arrests and detentions, detentions without trial, sometimes without the knowledge of the families of detainees, and the abuse of the judicial process, including trial of detainees in secrecy without proper legal representation, and the inhuman treatment of prisoners, leading to illness and deaths in custody, as reported by the Special Rapporteur;

(c) The violations of the rights of persons belonging to minorities, including the systematic programmes of forced relocations directed against ethnic minorities, notably in Karen, Karenni, Rakhine and Shan States and in Tennasserim Division, resulting in displaced persons and flows of refugees to neighbouring countries, thus creating problems for the countries concerned, and particularly the condition of statelessness, the confiscation of land and the restrictions on movement faced by returning Rohingya refugees, which have contributed to movements out of the country;

(d) The continuing violations of the rights of women, especially women who are refugees, internally displaced women and women belonging to ethnic minorities or the political opposition, in particular forced labour, sexual violence and exploitation, including rape, as reported by the Special Rapporteur;

(e) The continuing violations of the rights of children, in particular through the lack of conformity of the existing legal framework with the Convention on the Rights of the Child, through conscription of children into forced labour programmes, through their military and sexual exploitation and through discrimination against children belonging to ethnic and religious minority groups;

(f) The escalation in the persecution of the democratic opposition, particularly members and supporters of the National League for Democracy, as well as threats of deportation, arrest and physical violence against Aung San Suu Kyi, and the continued harassment, arrest and detention of National League for Democracy and other democratic group activists, including elected representatives to the Parliament, students, trade unionists and members of religious orders, for peacefully exercising their rights to freedom of movement, expression, assembly and association, the harsh long-term prison sentences imposed on National League for Democracy supporters and at the Government's use of intimidatory methods to force elected representatives and National League for Democracy members to resign from their positions and to dissolve their party offices;

(g) The severe restrictions on the freedoms of opinion, expression, assembly and association, the restrictions on citizens' access to information, including censorship controls on all forms of domestic media and many international publications, and the restrictions imposed on citizens wishing to travel within the country and abroad, including the denial of passports on political grounds, and gross interference in private life, family, home or correspondence;

5. Calls upon the Government of Myanmar:

(a) To establish a constructive dialogue with the United Nations system, including the human rights mechanisms, for the effective promotion and protection of human rights in the country;

(b) To continue to cooperate with the Secretary-General or his representative and to broaden this dialogue, including through providing access to any person deemed appropriate by them, and to implement their recommendations;

(c) To consider becoming a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention relating to the Status of Refugees and its Protocol;

6. *Urges* the Government of Myanmar to cooperate fully, and without further delay, with the Special Rapporteur, to allow him, without preconditions, to conduct a field mission and to establish direct contacts with the Government and all other relevant sectors of society, and thus to enable him fully to discharge his mandate;

7. *Strongly urges* the Government of Myanmar:

(a) To implement fully the recommendations made by the Special Rapporteur;

(b) To ensure full respect for human rights and fundamental freedoms, including freedoms of expression, association, movement and assembly, the right to a fair trial by an independent and impartial judiciary and the protection of the rights of persons belonging to ethnic and religious minorities, and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations and to enforced disappearances and summary executions;

(c) To take urgent and meaningful measures to ensure the establishment of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end, to engage immediately and unconditionally in a genuine and substantive dialogue with the leaders of political parties, including Aung San Suu Kyi, and of ethnic minorities with the aim of achieving national reconciliation and the restoration of democracy, and to ensure that political parties and non-governmental organizations can function freely, and in this context notes that the National League for Democracy has established a committee to represent temporarily members of Parliament elected in 1990 who are prevented by the authorities from exercising their democratic mandate conferred on them by the people of Myanmar;

(d) To take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to democratically elected representatives;

(e) To release immediately and unconditionally those detained for political reasons, including those in "government guest houses", and to ensure their physical integrity and to permit them to participate in a meaningful process of national reconciliation;

(f) Urgently to improve conditions of detention and to allow the competent international humanitarian organization to communicate freely and confidentially with prisoners;

(g) To ensure the safety and well-being of all political leaders, including Aung San Suu Kyi, and to permit unrestricted communication with and physical access to Aung San Suu Kyi and other political leaders;

(h) To fulfil its obligations under the Convention on the Rights of the Child and under the Convention on the Elimination of All Forms of Discrimination against Women by bringing national legislation and practice into conformity with these conventions;

(i) And all other parties to the hostilities in Myanmar to respect fully their obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, to halt the use of weapons against the civilian population, to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law and to avail themselves of services offered by impartial humanitarian bodies;

(j) To fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29) and to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization and to cooperate with the International Labour Organization, in particular by implementing the conclusions of the Commission of Inquiry;

(k) To cease the laying of landmines, in particular as a means of ensuring forced relocation, and to desist from the forced conscription of civilians to serve as human minesweepers, as indicated in the report of the Commission of Inquiry;

(l) To end the enforced displacement of persons and other causes of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and full reintegration in safety and dignity, including returnees who have not been granted rights of full citizenship, in close cooperation with the international community, through the United Nations system and its specialized agencies, governmental and intergovernmental organizations, as well as non-governmental organizations;

(m) To fulfil its obligations to end impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

8. Decides:

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fourth session and to report to the Commission at its fifty-sixth session, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to pursue all efforts to ensure that the Special Rapporteur is authorized to visit Myanmar;

(c) To request the Secretary-General to continue his discussions with the Government on the situation of human rights and the restoration of democracy and with anyone he may consider appropriate in order to assist in the implementation of General Assembly resolution 53/162 and of the present resolution;

(d) To request the United Nations High Commissioner for Human Rights to cooperate with the Director-General of the International Labour Office with a view to identifying ways in which their offices might usefully collaborate for the improvement of the human rights situation in Myanmar;

(e) To request the Secretary-General to bring the present resolution to the attention of all relevant parts of the United Nations system;

(f) To continue its consideration of this question at its fifty-sixth session.

52nd meeting
23 April 1999
[Adopted without a vote. See chap. IX.]

1999/18. The situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina

The Commission on Human Rights,

Recalling all relevant resolutions on this subject, in particular its own resolution 1998/79 of 22 April 1998, as well as all relevant resolutions and statements of the Security Council,

Expressing its full support for the General Framework for Peace in Bosnia and Herzegovina (the "Framework Agreement") and the annexes thereto (together, the "Peace Agreement") which, *inter alia*, committed the parties in Bosnia and Herzegovina to respect fully human rights, and for the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium,

Reaffirming the territorial integrity of all States in the region, within their internationally recognized borders,

Taking note of the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, together, the countries of the mandate, Taking note also of the final decision of 5 March 1999 of the arbitration tribunal on Brcko and noting the obligation of the Federation and Republika Srpska entities of Bosnia and Herzegovina to implement the award fully, including with respect to enabling minority refugee returns in both entities,

Expressing its appreciation for the ongoing important work of the Office of the United Nations High Commissioner for Human Rights and its field operation in the region,

Shocked and horrified by ongoing massacres and other brutal repressive measures committed by Serbian security and paramilitary forces in Kosovo with the intent of ethnic cleansing, in clear violation of international human rights standards and international humanitarian law and resulting in the loss of lives and a massive humanitarian tragedy affecting the entire region,

Mindful in this context that development of early warning procedures to identify patterns of gross and persistent violations of human rights in a systematic way could contribute to conflict prevention and the full enjoyment of all human rights by all,

I. Introduction

1. Stresses once again the crucial role that progress in promoting and protecting human rights has to play in the success of the Peace Agreement and underlines the obligations of the parties under the Framework Agreement to secure for all persons within their jurisdiction the highest level of international norms and standards of human rights and fundamental freedoms;

2. Stresses the need to focus international human rights efforts in the countries of the mandate on the core problems of:

(a) Lack of full respect for the human rights of all individuals, without any distinction;

(b) Massive forced expulsions and obstruction of return of refugees and displaced persons to their homes in safety and in dignity, and return to them of property and occupancy rights of which they were deprived;

(c) Lack of resources for capacity-building in the areas of rule of law and administration of justice, and lack of independence of the judiciary;

(d) Lack of respect for the freedoms of expression and association and for the freedom and independence of the media;

(e) Continuing obstruction of the work of the International Criminal Tribunal for the Former Yugoslavia;

(f) Missing persons;

3. Appeals once more to the international community to support such efforts in the promotion and protection of human rights and insists that the parties act to promote and protect democratic institutions of government, the rule of law and effective administration of justice at all levels in their

respective countries, to further ensure freedom of expression and of the media, to allow and encourage freedom of association, including with respect to political parties, to provide appropriate protection and assistance to refugees and displaced persons until they are able to return to their homes in safety and in dignity and to foster a culture of respect for human rights;

4. Requests the United Nations High Commissioner for Human Rights and the Secretary-General to take concerted action with the assistance of the international community to develop early-warning procedures in the field of human rights with a view to identifying situations that could lead to conflict or humanitarian tragedy, and requests the High Commissioner and the Secretary-General to report to the Commission on Human Rights at its fifty-sixth session on their efforts;

II. Federal Republic of Yugoslavia (Serbia and Montenegro)

5. Expresses its grave concern at the ongoing serious violations of human rights and the deteriorating human rights and humanitarian situation in the Federal Republic of Yugoslavia (Serbia and Montenegro) caused by the repressive policies and measures of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) at all levels, including the highest leaders, and also of authorities at all levels in Serbia;

6. Condemns the continued repression of the independent media, the passage of the Serbian Law on Public Information and, in particular, the slaying of Mr. Slavko Curuvija, publisher and director of the Belgrade Dnevni Telegraf, and also the forcible closing of independent newspapers and radio stations;

7. Regrets that the Federal Republic of Yugoslavia (Serbia and Montenegro) has not complied with the recommendations of the Personal Representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe regarding fostering democracy and the rule of law;

8. Also regrets the express refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow a visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions;

9. Calls upon authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) To comply with all previous resolutions of the Commission and with the recommendations contained in the reports of the Special Rapporteur and to cooperate with other relevant mechanisms of the Commission;

(b) To comply fully with its obligation to cooperate with the International Criminal Tribunal for the Former Yugoslavia;

(c) To institutionalize democratic norms of governance, especially in regard to respect for the principle of free and fair elections, the rule of law, the administration of justice, the promotion and protection of free and independent media and full respect for human rights and fundamental freedoms, and calls upon the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) specifically to repeal repressive laws on universities and the media;

(d) To end torture and other cruel, inhuman or degrading treatment or punishment of persons in detention, as documented in the reports of the Special Rapporteur and other reports, and to bring those responsible to justice;

(e) To repeal the 1989 Serbian Law on Special Conditions for Real Property Transactions and the 1998 Serbian Law on Public Information and to apply all other legislation without discrimination;

(f) To respect the rights of all persons belonging to minority groups, especially in the Sandjak and Vojvodina, including the Hungarian and Croatian national minorities, and equally of persons belonging to the Muslim minority and to the Bulgarian national minority, and to support the unconditional return of the long-term missions of the Organization for Security and Cooperation in Europe, as called for by the Security Council in its resolutions 855 (1993) of 9 August 1993 and 1160 (1998) of 31 March 1998;

10. Welcomes positive developments in Montenegro with regard to the democratic process, in particular to the freedom of the media and to the efforts to give shelter to Kosovars;

11. Also welcomes the selection by the Office of the United Nations High Commissioner for Human Rights of nine organizations from civil society to participate in the Assisting Communities Together Programme;

12. Calls upon the international community:

(a) To help the countries of the mandate establish appropriate safeguards to ensure the security and fair treatment upon return of those who sought temporary protection and asylum, including appropriate measures by Governments, such as legal guarantees and follow-up mechanisms, to ensure the right of all those persons to return to their homes in the Federal Republic of Yugoslavia (Serbia and Montenegro) in safety and dignity;

(b) To continue to support existing national democratic forces and non-governmental organizations in their efforts to build a civil society and achieve multi-party democracy in the Federal Republic of Yugoslavia (Serbia and Montenegro), and to provide resources for capacity-building in the administration of justice;

III. Kosovo

13. Calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), especially its President and the political leadership:

(a) To ensure a verifiable stop to all military action and the immediate ending of violence and repression against the civilian population of Kosovo;

(b) To ensure the withdrawal from Kosovo of all military, Ministry of Interior police and paramilitary forces;

(c) To agree to the stationing of an international military peacekeeping presence;

(d) To agree to the voluntary, unconditional return of all internally displaced persons and refugees in safety and dignity and to provide unhindered access to them by humanitarian aid organizations;

(e) To work, on the basis of the Rambouillet agreements, on the establishment of a political framework agreement for Kosovo, in conformity with international law and the Charter of the United Nations;

14. Condemns the grave, horrendous and ongoing war crimes and abuses of human rights in Kosovo, especially the violent repression of non-violent expression of political views, systematic terrorization of ethnic Albanians and others, torture, deaths in detention, summary executions and illegal detention of ethnic Albanian citizens, widespread destruction of homes, property and villages, and systematic targeting of the civilian population of Kosovo by Serbian forces, resulting in mass forced displacement, expulsion, rape and harsh living conditions of the civilian population, as well as the harassment, intimidation and closure of independent media outlets in Kosovo by the Serbian authorities;

15. Also condemns the escalation of the Serbian military offensive against the civilian population of Kosovo in recent weeks, which has led to further ethnic cleansing in the region, massacres and gross violations of international human rights and international humanitarian law inflicted upon the Kosovars, including destruction of personal identity documents, records, further destruction of houses and property, as well as agricultural capacity, with the aim of preventing their return, deplores the recent discovery of mass graves and condemns harassment and obstruction of humanitarian aid delivery from any quarter;

16. Underscores the grave concern of Member States regarding ethnic cleansing, war crimes and crimes against humanity;

17. Condemns abuses by elements of the Kosovo Liberation Army, in particular killings in violation of international humanitarian law, enforced disappearances and abduction and detention of Serbian police, as well as Serb and Albanian civilians;

18. Emphasizes that those found responsible for serious violations of international humanitarian law, other war crimes and crimes against humanity will be held accountable by the international community and will not escape justice;

19. Insists that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the ethnic Albanian leadership in Kosovo condemn acts of terrorism, refrain from all acts of violence, encourage the pursuit of political ends through peaceful means, act with respect for the rights and dignity of all persons belonging to minority groups and respect international human rights standards and international humanitarian law;

20. Also insists that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) implement a ceasefire, demilitarize the province and cooperate with the implementation force as demanded by the Contact Group, respect the democratic process and act immediately to make possible the establishment of genuine democratic self-governance in Kosovo, especially by acceptance of a settlement on the basis of the Rambouillet agreements, with representatives of the ethnic Albanian community, and ensure that all the residents of the region are guaranteed equal treatment and protection regardless of ethnic affiliation, and calls upon all individuals or groups in Kosovo to resolve the crisis there through peaceful means;

21. Insists that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) Take immediate action, in view of the escalating violence in Kosovo, to put an end to the continuing repression of and prevent violence against the ethnic Albanian population and other communities living in Kosovo, as well as to end torture, beatings, brutality, warrantless searches, arbitrary detention, unfair trials and arbitrary, unjustified evictions and dismissals, large-scale demolition of houses and scorched earth tactics;

(b) Release all political detainees, guarantee the right to voluntary return in safety and dignity of all refugees and displaced persons to Kosovo and respect fully all human rights and fundamental freedoms, including freedom of the press, including for the Albanian-language media, freedom of expression or assembly, freedom of movement and freedom from discrimination in the field of education and information and, in particular, improve the situation of ethnic Albanian women and children;

(c) Allow the establishment of democratic institutions in Kosovo;

(d) Abide by its international obligations under common article 3 of the Geneva Conventions of 12 August 1949;

(e) Cooperate with international humanitarian organizations in dealing with the issue of missing persons in Kosovo and also ensure that non-governmental organizations may operate freely without harassment or unduly burdensome requirements;

22. Welcomes the recent initiative of the High Commissioner to investigate human rights violations and atrocities committed in Kosovo, and requests that the Special Rapporteur, the Personal Representative of the High Commissioner and the Office of the United Nations High Commissioner for Human Rights investigative teams cooperate to the extent appropriate with the international bodies charged with bringing those responsible for these crimes to justice;

23. Calls upon the authorities in Belgrade to work closely with and support the mission to Kosovo of the personal representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe;

24. Emphasizes once again that improvement in the promotion and protection of human rights and fundamental freedoms in Kosovo, as well as in

the rest of its territory, will assist the Federal Republic of Yugoslavia (Serbia and Montenegro) in establishing a full range of relations with the international community;

25. Expresses grave concern over the overwhelming humanitarian crisis in Kosovo and the forced expulsion of hundreds of thousands of Kosovar Albanians, which has placed a massive burden on the surrounding countries, calls upon the international community to take immediate efforts to relieve this burden, expresses its appreciation to those countries that have offered assistance or that have offered to accept refugees, commends the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations for their response to this crisis and encourages the international community to strengthen its actions, especially in the field of coordination of all humanitarian efforts;

IV. Republic of Croatia

26. Welcomes the cooperation of the Government of the Republic of Croatia with the Special Rapporteur and takes note of the request of the Government of the Republic of Croatia for technical cooperation and assistance programmes and of the positive response thereto by the United Nations High Commissioner for Human Rights, urges the Government and the Office of the United Nations High Commissioner for Human Rights to conclude an agreement as soon as possible and looks forward to the effects of those programmes on the situation of human rights and the rule of law;

27. Calls upon the Government of the Republic of Croatia to undertake greater efforts to adhere to democratic principles including through legislation and implementation of electoral reform and to continue its efforts to attain the highest level of compliance with international norms and standards of human rights and fundamental freedoms, in particular the rights of persons belonging to minority groups, especially by:

(a) Full and fair implementation of its Programme for the Return and Accommodation of Displaced Persons, Refugees and Resettled Persons and its programme for the reconstruction of war-affected settlements and its earlier Programme on the Establishment of Confidence, Acceleration of Return and Normalization of Life in the War-affected Areas and continuing cooperation with the United Nations High Commissioner for Refugees, with the civilian police monitors in Croatia mandated by the Organization for Security and Cooperation in Europe and with other relevant organizations to that end, as well as by dialogue and cooperation between the Government of the Republic of Croatia and the Government of Bosnia and Herzegovina and through it with the Republika Srpska;

(b) Full cooperation with and implementation of the recommendations of the international organizations operating in the Republic of Croatia, in particular the Office of the United Nations High Commissioner for Human Rights and the Organization for Security and Cooperation in Europe operations in Eastern Slavonia, Baranja and Western Sirmium and in former United Nations protected areas, especially by respecting the human rights, including the property rights, of all and:

(i) Ending incidents of harassment, looting and physical attacks against displaced Serbs and other minorities, and speedily arresting those committing or instigating such acts aimed at preventing the return of Croatian Serbs or others to their homes and, in particular, fully investigating allegations of individual involvement by Croatian police or members of the military, whether on or off duty;

(ii) Ensuring the non-discriminatory application of the amnesty law and by developing and strengthening all possible measures for confidence-building, including by providing regular information to the International Criminal Tribunal for the Former Yugoslavia about domestic war crimes prosecutions;

(iii) Ending any form of discrimination by Croatian authorities in the areas of property rights, documentation of citizenship and identity, employment, education, pension and health care, among others;

(c) Respecting freedom of association and of the press, including by taking concrete steps to allow for the establishment of independent media and full access by the opposition to State electronic media channels and, in particular, by ceasing harassment of free and independent media;

(d) Respecting the right of non-governmental organizations to operate without restrictions, and welcomes in this regard the establishment of a government office for cooperation with non-governmental organizations and a continuation of this dialogue;

(e) Undertaking serious judicial reform and guaranteeing the independence of the judiciary;

(f) Within the context of obligations undertaken with the Council of Europe and the Organization for Security and Cooperation in Europe, pursuit of the equal application of the law to all citizens, irrespective of ethnicity, religion or political affiliation, the swift and complete implementation of judicial decisions and implementation of the Convention for the Protection of Human Rights and Fundamental Freedoms in all governmental practices;

(g) Continuing to fulfil the rights and guarantees pledged in its letter of 13 January 1997 addressed to the President of the Security Council concerning the completion of the peaceful reintegration of the region under the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium into the Republic of Croatia (S/1997/27), inter alia, the pledge to guarantee representation of Serbs at various levels of local, regional and national government;

(h) Continuing its cooperation with the Special Rapporteur and complying with all his recommendations and cooperating also with the Croatian Ombudsman;

28. Endorses the recommendations of the Special Rapporteur in his report (E/CN.4/1999/42, paras. 72-78) in particular that:

(a) The Government foster the return of Serbs to their former homes;

(b) The judiciary be provided with adequate resources and court proceedings be open to the public;

(c) Labour rights cases be promptly and fairly resolved;

(d) Affirmative measures be taken to improve the representation of women in decision-making positions;

(e) Due attention be paid to the importance of free political debate in a democratic society;

29. Calls upon the international community:

(a) To support the involvement of the High Commissioner for Human Rights in human rights monitoring in the region of Eastern Slavonia, in close cooperation with other international organizations and in close consultation with the Government of the Republic of Croatia;

(b) To continue to provide for an international presence, as recommended by the Special Rapporteur, through support of initiatives advanced by the High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe, the Council of Europe, the European Community Monitoring Mission and other international organizations, including the programme of technical cooperation envisaged by the Office of the United Nations High Commissioner for Human Rights;

V. Bosnia and Herzegovina

30. Takes note of the progress made in some areas of Bosnia and Herzegovina in implementation of the Peace Agreement and improvement in respect for human rights, and commends the High Representative in this regard;

31. Expresses its serious concern about continuing human rights violations within Bosnia and Herzegovina and continuing obstruction of the full implementation of the human rights provisions of the Peace Agreement;

32. Emphasizes once more that the primary responsibility for ensuring the progressive achievement of democratic goals and building a tolerant, multi-ethnic society lies with the people of Bosnia and Herzegovina, in particular through the central Government and the governments of both entities, as well as through, *inter alia*, municipal and cantonal authorities, religious communities, humanitarian organizations and non-governmental organizations;

33. Underlines the obligation of the authorities of Bosnia and Herzegovina at all levels to implement the arbitration decision for Brcko and the recommendations and decisions of the High Representative and the decisions of the Commission on Human Rights for Bosnia and Herzegovina and its two parts, the Office of the Human Rights Ombudsman and the Human Rights Chamber, and the decisions of the Commission on Real Property Claims of Displaced Persons;

34. *Calls upon* all parties to cease obstruction of the work of the common institutions of Bosnia and Herzegovina;

35. *Condemns in the strongest terms* the intimidation and perpetration of violence against minority refugees and internally displaced persons returning to their homes, the destruction of their homes and all other acts designed to discourage their voluntary return, and calls for the authorities to conduct vigorous investigations to determine responsibility for such acts and to ensure that the perpetrators are brought to justice;

36. *Calls upon*, in this context, officials of Bosnia and Herzegovina, including those of the Republika Srpska and the Federation, to cooperate with relevant international humanitarian agencies and their neighbours to facilitate such voluntary returns;

37. *Endorses* the recommendations of the Special Rapporteur in his report (ibid., paras. 29-35), especially that:

(a) Authorities and political leaders cease undermining efforts to ensure the right to return and, to that end, that divisions along ethnic lines be eliminated, manipulation of returnees and displaced persons be stopped and high priority given to the situation of "floaters" in Banja Luka and other municipalities in the Republika Srpska;

(b) Local actors, including non-governmental organizations, should be more involved in human rights work;

38. *Emphasizes* the views of the General Assembly, contained in paragraphs 18 and 19 of its resolution 53/163 of 9 December 1998, concerning the voluntary return of refugees and internally displaced persons and on cooperation with the Office of the High Representative, the Commission for Real Property Claims of Displaced Persons and the Office of the United Nations High Commissioner for Refugees;

VI. *International Criminal Tribunal for the Former Yugoslavia*

39. *Calls upon* all States and, in particular, all parties to the Peace Agreement, especially the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), to meet their obligations to cooperate fully with the Tribunal, noting that there is no valid constitutional or statutory reason for failure to cooperate, and urges all States and the Secretary-General to support the Tribunal to the fullest extent possible, in particular by helping to ensure that persons indicted by the Tribunal stand trial before it and by continuing to make available to the Tribunal, as a matter of urgency, adequate resources to aid in the fulfilment of its mandate;

40. *Calls upon* all indicted persons to surrender voluntarily to the custody of the Tribunal, as required by the Peace Agreement;

41. *Welcomes* the decision by the Prime Minister of the Republika Srpska to allow the Tribunal to open an office in Banja Luka and urges the government of the Republika Srpska to fulfil its clear legal obligations, including full cooperation with the Tribunal as it has promised;

42. Urges all parties, including the Government of Croatia, to respect the "rules of the road", agreed in Rome on 18 February 1996, including through submission of cases to the Prosecutor of the Tribunal under the "rules of the road";

43. Urgently calls once again upon the competent authorities in Bosnia and Herzegovina, including those of the Federation and in particular in the Republika Srpska, and the Governments of the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to apprehend and surrender for prosecution all persons indicted by the Tribunal, as required by Security Council resolution 827 (1993) of 25 May 1993 and the statement by the President of the Security Council on 8 May 1996;

44. Notes with dismay that the large majority of those indictees still at large, including Radovan Karadzic, Ratko Mladic and Milan Martic, appear to be living in the Republika Srpska or the Federal Republic of Yugoslavia (Serbia and Montenegro) while Zeljko Raznatovic, known as "Arkan", and the "Vukovar three" are known to be present in the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro);

45. Stresses the evidence that the most senior leaders of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) are responsible for the continuing refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) to meet its obligations to cooperate with the Tribunal and demands that the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) comply with their obligation to cooperate with the Tribunal, including with regard to events in Kosovo, on the basis of resolution 1160 (1998) of the Security Council and all its subsequent resolutions on the subject, including 1207 (1998) of 17 November 1998, and commends the Office of the Prosecutor of the Tribunal for its efforts to gather information relating to the violence in Kosovo;

46. Demands, in accordance with Security Council resolution 827 (1993) and the Statute of the International Criminal Tribunal for the former Yugoslavia, that the Federal Republic of Yugoslavia (Serbia and Montenegro) cooperate fully with the International Criminal Tribunal for the former Yugoslavia and, in particular, permit immediate access to all parts of the Federal Republic of Yugoslavia (Serbia and Montenegro) including Kosovo, including by the prompt issuance of requested visas to officials of the Tribunal to conduct investigations into atrocities there and for any other purpose allowed under the Tribunal's Statute;

47. Urges all parties in the region to respect the primacy of the Tribunal in all cases of war crimes, crimes against humanity, genocide and grave breaches of the Geneva Conventions, and condemns the extra-legal proceedings undertaken by the Federal Republic of Yugoslavia (Serbia and Montenegro) against the "Vukovar three";

48. Calls upon the international community to give the Tribunal every appropriate help to bring into custody suspects indicted by it;

VII. Missing persons

49. Expresses its satisfaction with the progress made in the exhumation of remains and the identification of missing persons, particularly in Bosnia and Herzegovina, but stresses that further progress and assistance of the international community in all aspects, particularly with technical and financial resources, is required;

50. Welcomes the increased level of cooperation in the joint exhumation process in Bosnia and Herzegovina with the Office of the High Representative and the International Commission on Missing Persons in the Former Yugoslavia and urges that the cooperation continue;

51. Insists that the Federal Republic of Yugoslavia (Serbia and Montenegro) authorities and Kosovar Albanians cooperate with international humanitarian organizations in dealing with the issue of missing persons in Kosovo;

VIII. Special Rapporteur

52. Takes note with appreciation of the report of the Special Rapporteur (E/CN.4/1999/42);

53. Decides to renew for one year the mandate of the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia;

54. Requests the Special Rapporteur, in addition to the activities mandated in its resolutions 1994/72 of 9 March 1994, 1996/71 of 23 April 1996 and 1997/57 of 15 April 1997:

(a) To work vigorously in support of the initiative of the United Nations High Commissioner for Human Rights to investigate human rights violations and atrocities committed in Kosovo;

(b) To pay particular attention to discrimination against persons belonging to ethnic minorities and displaced persons, refugees and returnees who fall within his mandate, with specific reference to their economic, social and cultural rights;

(c) To address human rights issues that transcend the borders between the States covered by his mandate and which can be addressed only through concerted action in more than one country;

(d) To work with the High Commissioner for Human Rights on behalf of the United Nations in dealing with the question of missing persons and to include in his report to the Commission information about activities concerning missing persons in the former Yugoslavia;

55. Requests that the Special Rapporteur carry out missions to:

(a) Bosnia and Herzegovina, including the Republika Srpska;

(b) The Republic of Croatia, including Eastern Slavonia, Baranja and Western Sirmium;

(c) The Federal Republic of Yugoslavia (Serbia and Montenegro), including to Kosovo, as well as to Sandjak and Vojvodina;

56. Requests the Special Rapporteur to report to the Commission at its fifty-sixth session on the work carried out in fulfilment of his mandate, and to make interim reports as appropriate about his work in support of the Kosovo initiative of the High Commissioner, and to present interim reports to the General Assembly at its fifty-fourth session;

57. Requests the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council, to the Organization for Security and Cooperation in Europe and to other international organizations concerned with human rights and humanitarian questions;

58. Urges the Secretary-General, within existing resources, to make all necessary resources available for the Special Rapporteur to carry out his mandate successfully and, in particular, to provide him with adequate staff based in those territories to ensure effective continuous monitoring of the human rights situation in the countries of the mandate and coordination with other international organizations involved.

52nd meeting
23 April 1999
[Adopted by a roll-call vote of 46 votes to 1,
with 6 abstentions. See chap. IX.]

1999/19. Situation of human rights in Equatorial Guinea and assistance in the field of human rights

The Commission on Human Rights,

Recalling its resolution 1998/71 of 21 April 1998,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Considering that, since the adoption by the Economic and Social Council of its decision 1993/277 on 28 July 1993 and the appointment of Mr. Alejandro Artucio as Special Rapporteur of the Commission on Human Rights, the Government of Equatorial Guinea has benefited from the advisory services of the Office of the United Nations High Commissioner for Human Rights and that the Special Rapporteur has visited the country nine times, as indicated in his reports (E/CN.4/1996/67 and Add.1, E/CN.4/1997/54, E/CN.4/1998/73 and Add.1 and E/CN.4/1999/41), Noting that Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols thereto, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Welcoming the political will on the part of the Government of Equatorial Guinea to continue to make progress in the situation of human rights and fundamental freedoms and its pledge to take definitive steps in this direction, as a priority in its programme of good governance,

Noting the continuing existence of deficiencies and conditions that lead to violations and abuses of human rights,

Noting also that the Government and the opposition political parties had renewed their dialogue after the April 1997 agreements and that the participation of the latter in the national political life has to be enlarged, so that the transition process to democracy can succeed,

Noting with interest the efforts of the Government of Equatorial Guinea to establish, in cooperation with international non-governmental organizations, a centre for the promotion of human rights and democracy to strengthen the national capacity to promote human rights,

Recalling that international cooperation in the field of human rights is one of the purposes of the Charter of the United Nations, and welcoming the stated willingness of the Government of Equatorial Guinea to continue to cooperate with the Office of the United Nations High Commissioner for Human Rights,

1. Expresses its gratitude to the Special Rapporteur and welcomes his report (E/CN.4/1999/41), as well as the understanding, assistance and cordiality which the authorities of Equatorial Guinea have extended to him in the discharge of his mandate;

2. Encourages the Government of Equatorial Guinea to ensure the independence and effectiveness of the national commission on human rights, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights, and to authorize the public registration and freedom of activity of non-governmental organizations in the fields of human rights and social affairs;

3. Recognizes that the elections held on 6 March 1999 were organized and conducted in a peaceful and calm atmosphere but takes note with concern that some flaws and irregularities were observed during the electoral process, and therefore calls upon the Government of Equatorial Guinea to continue the dialogue with all political parties and to ensure the independence and effectiveness of the national electoral commission, so as to guarantee fair, transparent and democratic conditions in the future;

4. Encourages the Government of Equatorial Guinea to strengthen its efforts to improve the conditions of prisoners and detainees, in accordance with the recommendations of the Special Rapporteur;

5. Also encourages the Government of Equatorial Guinea to pursue the efforts which it has already undertaken to integrate women effectively into the process of socio-economic, cultural and political development of the country;

6. Further encourages the Government of Equatorial Guinea to promote the necessary conditions for the full enjoyment of economic, social and cultural rights, including the rights of the child;

7. Recommends that the Government of Equatorial Guinea ratify the basic international human rights instruments, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination;

8. Encourages the Government of Equatorial Guinea to strengthen further its efforts to promote and protect human rights and fundamental freedoms as set out in its programme of priorities in the fields of democracy, human rights and governance and, in particular:

(a) To strengthen its efforts to improve both the functioning of the judiciary and the training of judges, prosecutors, lawyers, police and security forces, in order to guarantee an independent and effective administration of justice, and to limit military courts strictly to trying military offences committed by military personnel;

(b) To publish regularly laws, decrees and other governmental acts;

(c) To reiterate its instructions to the forces of law and order not to order or make arbitrary arrests and to respect the right of individuals to security, physical integrity and freedom;

(d) To take the necessary measures to avoid acts of torture and cruel, inhuman or degrading treatment or punishment;

(e) To strengthen its efforts to investigate and impose criminal and disciplinary penalties on those responsible for violations of human rights;

9. Encourages the Government of Equatorial Guinea and the Office of the United Nations High Commissioner for Human Rights, in conjunction and with the support of the United Nations Development Programme, to elaborate a comprehensive programme of technical assistance in the field of human rights, in particular with a view to enhancing the administration of justice and the capacity of the civil society, and calls upon the international community to make contributions to the relevant fund for this purpose;

10. Decides to appoint a special representative of the Commission for one year and requests him to monitor the situation of human rights in Equatorial Guinea and to report to the Commission at its fifty-sixth session, keeping in mind the need to apply a gender perspective in the reporting process, including in collecting information and making recommendations;

11. Requests the Special Representative to include in his/her report recommendations on the implementation of the programme of technical

assistance, with particular emphasis on human rights, the administration of justice and the legislative reforms and the strengthening of the capacity of non-governmental organizations, as well as other groups of the civil society;

12. _Requests_ the Secretary-General to give the Special Representative all necessary assistance to enable him/her to discharge the mandate fully;

13. _Decides_ to continue its examination of the situation of human rights in Equatorial Guinea at its fifty-sixth session;

14. _Recommends_ the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 8.]

52nd meeting
23 April 1999
[Adopted without a vote. See chap. IX.]

1999/20. _Situation of human rights in Rwanda_

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other applicable human rights and humanitarian law standards,

Recalling its resolution 1998/69 of 21 April 1998 and relevant previous resolutions and noting General Assembly resolution 53/156 of 9 December 1998,

Reaffirming that the promotion and protection of human rights are necessary for sustaining the process of national reconstruction and reconciliation in Rwanda,

Taking into account the regional dimension of the human rights issues in the Great Lakes region, while underlining the primary responsibility of States for the promotion and protection of human rights,

Noting with satisfaction the commitment of the Government of Rwanda to promote and protect respect for human rights and fundamental freedoms, as well as to eliminate impunity, the progress made towards the development of a State governed on the basis of the rule of law, and efforts undertaken to consolidate peace and stability and promote unity and reconciliation,

Welcoming the progress made by the Government of Rwanda in rebuilding the country's system of administration of justice and the efforts made to address the problem of the very large number of detainees awaiting trial,

1. _Takes note with appreciation_ of the report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda (E/CN.4/1999/33), the report of the United Nations High Commissioner for Human Rights on the activities of the Human Rights Field

Operation in Rwanda (A/53/367, annex) and the report of the United Nations High Commissioner for Human Rights pursuant to paragraph 5 of General Assembly resolution 48/141 of 20 December 1993 (E/CN.4/1999/9);

2. Commends the Government of Rwanda for the cooperation and assistance extended to the Special Representative;

3. Welcomes the continuing efforts of the Government of Rwanda to build a State based on the rule of law and the guarantee of respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and other relevant international human rights instruments;

4. Reiterates its strong condemnation of the crime of genocide and the crimes against humanity which were committed in Rwanda in 1994;

5. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of human rights and international humanitarian law are individually responsible and accountable for those violations;

6. Expresses concern that most of the perpetrators of the genocide and other gross violations of human rights continue to evade justice;

7. Reiterates its request that all States cooperate fully with the Government of Rwanda and the International Tribunal for Rwanda in ensuring that all those responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are brought to justice in accordance with international principles of due process;

8. Notes the efforts which the International Tribunal for Rwanda has made to improve its performance and encourages further measures to enhance its efficiency;

9. Expresses its concern over the effectiveness of the witness protection programme of the International Tribunal for Rwanda and calls for the improvement of the witness protection programme as a matter of urgency;

10. Notes the indications of improvement in the human rights situation in Rwanda since the last session of the Commission, expresses concern at continued violations of human rights and international humanitarian law and urges the Government of Rwanda to continue to investigate and prosecute such violations;

11. Recognizes that the promotion and protection of human rights for all are essential for achieving stability and security in the Great Lakes region;

12. Reiterates its sympathy and solidarity with genocide survivors, commends the Government of Rwanda for establishing a fund to assist them, commends those Governments that have contributed to the fund and again urges the international community to contribute generously;

13. Takes note with great concern of:

(a) The report of the International Commission of Inquiry (Rwanda) on the sale, supply and shipment of arms and related material in the Great Lakes region of Central Africa (S/1998/1096, annex);

(b) The report of the Investigative Team of the Secretary-General (S/1998/581, annex) and calls upon the Government of Rwanda to respond to this report;

14. Condemns the illegal sale and distribution of arms and all other forms of assistance to former members of the Rwandan armed forces, Interahamwe and other insurgent groups which have a negative impact on human rights and undermine peace and stability in Rwanda and the region;

15. Notes that the Government of Rwanda is regrouping scattered rural populations in the country, including in the north-west, and urges the Government of Rwanda to respect human rights principles and to do its utmost to minimize any elements of coercion in the implementation of the resettlement programme;

16. Reiterates its concern at the conditions of detention in many communal detention centres and some prisons in Rwanda, calls on the Government of Rwanda to continue in its efforts to ensure that persons in detention are treated in a manner which respects their human rights and emphasizes the need for greater attention and resources to be directed to this problem, and again urges the international community to assist the Government of Rwanda in this area;

17. Encourages the continuing efforts of the Government of Rwanda to reduce the prison population by releasing minors, elderly prisoners, prisoners suffering from terminal illnesses and suspects with incomplete files who were detained for their alleged involvement in genocide and other abuses of human rights, and reaffirms the urgent need to complete a dossier for every detainee with a view to identifying those who should be released immediately, early or conditionally;

18. Encourages the Government of Rwanda in its campaign of sensitization aimed at promoting the rule of law, respect for human rights and reconciliation;

19. Welcomes the continuation of domestic trials of those suspected of genocide and crimes against humanity and the improvements that have been made in the trial process, and encourages the Government of Rwanda, with the support of the international community, to strengthen the capacity of the independent judicial system;

20. Urges the Government of Rwanda and invites the International Tribunal for Rwanda to give utmost priority to the prosecution and punishment of crimes of sexual violence committed against women, in line with the recommendations of the Special Rapporteur on violence against women, its causes and consequences, and welcomes the decision of the International Tribunal for Rwanda to give a broad definition to acts of sexual violence;

21. *Welcomes and encourages* the deliberations now ongoing in Rwanda to determine new mechanisms to handle the large caseload of detainees awaiting trial on genocide and related charges in a more expeditious manner and in conformity with the law and international human rights standards;

22. *Reiterates* its appeal to the international community to provide financial and technical assistance to the Government of Rwanda within a mutually agreed framework of cooperation to help strengthen the protection of genocide survivors and witnesses and the administration of justice, including with regard to adequate access to legal representation, to prosecute those responsible for genocide and other violations of human rights and to promote the rule of law in Rwanda, and notes with appreciation assistance already provided by some members of the donor community;

23. *Welcomes* the proposal of the Government of Rwanda to ensure greater legal access of women to their husbands' and parents' property, in particular through the proposed Law on Matrimonial Property and Succession;

24. *Commends* the Government of Rwanda on its continued efforts to improve the situation of children and encourages it to continue further with these efforts, guided by a concern for the best interests of children, as specified in the Convention on the Rights of the Child;

25. *Regrets* that no agreement could be reached on a new mandate for the Human Rights Field Operation in Rwanda, which consequently led to the withdrawal of the Field Operation from the country on 28 July 1998, leaving Rwanda with no external independent human rights monitoring capacity, and encourages the Government of Rwanda to seek the cooperation of Governments, the United Nations High Commissioner for Human Rights and non-governmental organizations to provide, within a mutually agreed framework of cooperation, financial and technical support necessary for the reconstruction of human rights infrastructure generally and the effective functioning of the National Human Rights Commission in particular;

26. *Welcomes* the adoption by the National Assembly of Rwanda of a bill creating the National Human Rights Commission as provided for in the Basic Law of Rwanda and urges the Government of Rwanda to take speedy and appropriate action to enable the Commission to begin functioning independently and effectively, in accordance with recognized international norms;

27. *Encourages* the members of the National Human Rights Commission to organize as soon as possible, with the assistance of the Special Representative, a round-table meeting aimed at assisting the National Human Rights Commission to develop a plan of action for the promotion and better protection of human rights in Rwanda, urges the Government of Rwanda to work with the Special Representative to facilitate this meeting and calls on the United Nations High Commissioner for Human Rights and on the international community to provide all necessary assistance within a mutually agreed upon framework of cooperation;

28. *Encourages* the Government of Rwanda to provide its full support to the mandate of the National Human Rights Commission to enable it to monitor human rights in the country effectively and independently, in accordance with internationally recognized norms;

29. *Urges* the Government of Rwanda to work with interested Governments and the United Nations High Commissioner for Human Rights to facilitate the development of a national human rights monitoring capacity, including the training of national human rights monitors;

30. *Welcomes* the commitment of the Government of Rwanda to promoting national unity and reconciliation, encourages the Government of Rwanda to continue its efforts in that field, commends the establishment of the National Commission for Unity and Reconciliation and urges that international support be provided to enable the Commission to achieve its objectives;

31. *Recommends* that the international community continue to provide development assistance for the reconstruction and long-term stability of Rwanda;

32. *Commends* the Special Representative for his work, decides to extend his mandate for a further year, requests him to report to the General Assembly at its fifty-fourth session and to the Commission on Human Rights at its fifty-sixth session, in accordance with his mandate, and requests the High Commissioner for Human Rights to provide him with such financial assistance as he may require;

33. *Calls* for close regular consultation between the Special Representative and the Government of Rwanda, the National Human Rights Commission, and all relevant national institutions, regarding the functioning of the National Human Rights Commission;

34. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 9.]

52nd meeting
23 April 1999
[Adopted without a vote. See chap. IX.]

1999/21. *Human rights and unilateral coercive measures*

The Commission on Human Rights,

Recalling the purposes and the principles of the Charter of the United Nations,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 which declares that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights, Recalling its resolution 1998/11 of 9 April 1998 and noting General Assembly resolution 53/141 of 9 December 1998,

Taking note with interest of the report of the Secretary-General on human rights and unilateral coercive measures (E/CN.4/1999/44 and Add.1-2),

Recognizing and reiterating the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as an integral part of all human rights,

Expressing its concern about the negative impact of unilateral coercive measures in the field of international relations, trade, investment and cooperation,

Recalling that the World Conference on Human Rights called upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and United Nations conferences and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the social-humanitarian activities of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals,

1. Urges all States to refrain from adopting or implementing unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. Rejects the application of such measures as tools for political or economic pressure against any country, particularly against developing countries, because of their negative effects on the realization of all human rights of vast sectors of their populations, inter alia children, women, the elderly, disabled and ill people;

3. Reaffirms, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

4. Also reaffirms that essential goods such as food and medicines should not be used as tools for political coercion, and that under no circumstances should people be deprived of their own means of substance and development;

5. Underlines that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development

and, in this regard, calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws which run counter to the principles of free trade and hamper the development of developing countries, as recognized by the Intergovernmental Group of Experts on the Right to Development in its most recent report;

6. Invites the new open-ended working group on the right to development, which will meet after the fifty-fifth session of the Commission on Human Rights, to give due consideration to the question of human rights and the negative impact of unilateral coercive measures;

7. Invites all Special Rapporteurs and existing thematic mechanisms of the Commission in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

8. Decides to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

9. Requests:

(a) The United Nations High Commissioner for Human Rights, in discharging her functions in relation to the promotion, realization and protection of the right to development, to pay due attention and give urgent consideration to the present resolution;

(b) The Secretary-General to bring the present resolution to the attention of all Member States and seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report thereon to the Commission on Human Rights at its fifty-sixth session;

10. Decides to examine this question, on a priority basis, at its fifty-sixth session under the same agenda item.

52nd meeting
23 April 1999
[Adopted by a roll-call vote of 37 votes to 10,
with 6 abstentions. See chap. X.]

1999/22. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, and the resolutions and decisions adopted by the United Nations in connection with the problem of the foreign debt of the developing countries, particularly Commission resolution 1998/24 of 17 April 1998,

Bearing in mind that the absolute amounts attained by the foreign debt and debt service of the developing nations indicate the persistent seriousness of this situation, that the latest episodes of financial crisis in Asia and other regions have caused this situation to deteriorate further, and that the foreign debt burden is becoming increasingly unbearable for a considerable number of developing countries,

Aware that the serious problem of the foreign debt burden remains one of the most critical factors adversely affecting economic, social, scientific and technical development and living standards in many developing countries, with serious effects of a social nature,

Noting the inter-institutional meeting of the United Nations High Commissioner for Human Rights with the Secretary-General of the United Nations Conference on Trade and Development, the heads of the International Labour Organization, the World Health Organization and the World Trade Organization, representatives of the International Monetary Fund and the World Bank, other United Nations specialized agencies and the special rapporteurs or experts of the Commission dealing with foreign debt related issues;

Stressing that the economic globalization process creates new challenges, risks and uncertainties for the implementation and consolidation of development strategies,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Acknowledging that, in spite of the fact that debt reduction schemes have helped reduce debt, many highly indebted poor countries are still left with the bulk of their debt,

Considering that the measures for alleviating the debt problem, of both official and private origin, have not achieved an effective, equitable, development-oriented and durable solution to the outstanding debt and debt service of a large number of developing countries, especially the poorest and heavily indebted countries,

Bearing in mind the relationship between the heavy foreign debt burden and the considerable increase in poverty which is apparent at the world level and is especially large in Africa,

Recognizing that foreign debt constitutes one of the main obstacles preventing the developing countries from fully enjoying their right to development,

1. *Stresses* that structural adjustment policies have serious implications for the ability of the developing countries to abide by the

Declaration on the Right to Development and to formulate national development policies that aim to improve the economic, social and cultural rights of their citizens;

2. Also stresses the importance of continuing to implement immediate, effective and durable actions for alleviating the burdens of debt and debt-service of the developing countries with debt problems, in the framework of the realization of economic, social and cultural rights;

3. Affirms that the permanent solution to the foreign debt problem lies in the establishment of a just and equitable international economic order which guarantees the developing countries, inter alia, better market conditions and commodity prices, stabilization of exchange rates and interest rates, easier access to financial and capital markets, adequate flows of new financial resources and easier access to the technology of the developed countries;

4. Stresses the need for the economic programmes arising from foreign debt to take account of the specific characteristics, conditions and needs of the debtor countries and the need to incorporate the social dimension of development;

5. Affirms that the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment policies and economic reforms arising from the debt;

6. Emphasizes the important need for initiatives on foreign debt, in particular in the debt initiative for the heavily indebted poor countries and the decision of the Paris Club to go beyond the Naples terms, to be implemented completely and flexibly, and at the same time notes with concern the rigidity of the eligibility criteria approved by the international creditor community in the context of those initiatives, which is becoming a source of greater concern in the light of the latest symptoms of the international financial crisis;

7. Also emphasizes the need for new financial flows to debtor developing countries from all sources, in addition to debt relief measures that include debt cancellation, and urges creditor countries and the international financial institutions to increase concessional financial assistance on favourable terms, as a means of supporting the implementation of the economic reforms, combating poverty, and achieving sustained economic growth and sustainable development;

8. Requests the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights to present an analytical report to the Commission, on an annual basis, on the implementation of the present resolution, paying particular attention to:

(a) The negative effects of the foreign debt and the policies adopted to face it on the full enjoyment of economic, social and cultural rights in developing countries;

(b) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in developing countries, especially the poorest and heavily indebted countries;

9. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform his functions;

10. Urges Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the Special Rapporteur in the discharge of his mandate;

11. Calls upon Governments, international organizations, international financial institutions, non-governmental organizations, as well as the private sector, to take appropriate measures and action for the implementation of the commitments, agreements and decisions of the major United Nations conferences and summits organized since the beginning of the 1990s on developments related to the question of external debt;

12. Also calls upon Governments, international financial institutions and the private sector to consider the possibility of cancelling or reducing significantly the debt of the heavily indebted poor countries, giving priority to countries emerging from devastating civil wars or that have been devastated by natural disasters;

13. Recognizes that there is a need for more transparency, participation by all States and consideration of the relevant resolutions of the Commission on Human Rights in the deliberations and activities of international and regional financial institutions;

14. Considers that, in order to find a durable solution to the debt problem, there is a need for a political dialogue between creditor and debtor countries within the United Nations system, based on the principle of shared interests and responsibilities;

15. Reiterates its request to the United Nations High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries, in particular of the least developed countries, and especially the social impact of the measures arising from the foreign debt;

16. Decides to continue its consideration of this matter at its fifty-sixth session under the appropriate agenda item.

52nd meeting
23 April 1999
[Adopted by a roll-call vote of 30 votes to 15,
with 8 abstentions. See chap. X]

1999/23. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action, particularly on the question of the human rights to life, health and a sound environment for every individual,

Recalling its earlier resolutions on the subject and, in particular, its resolution 1998/12 of 9 April 1998, General Assembly resolution 46/126 of 17 December 1991 and Economic and Social Council decision 1995/288 of 25 July 1995,

Recalling also General Assembly resolutions 42/183 of 11 December 1987, 43/212 of 20 December 1988, 44/226 of 22 December 1989 and 45/13 of 7 November 1990,

Recalling further debates at the regional level, specifically resolution 1153 (XLVIII) of 25 May 1988 of the Council of Ministers of the Organization of African Unity, declaring that the dumping of toxic wastes in the continent was a crime against Africa and the African people,

Affirming that the illicit movement and dumping of toxic and dangerous substances and wastes constitute a serious threat to the human rights to life and health of individuals, particularly in developing countries that do not have the technologies to process them,

Reaffirming that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also General Assembly resolution 50/174 of 22 December 1995 on strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity,

Mindful of the call by the World Conference on Human Rights on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and wastes and to cooperate in the prevention of illicit dumping,

Aware of the increasing rate of illicit movement and dumping by transnational corporations and other enterprises from industrialized countries of hazardous and other wastes in African and other developing countries that do not have the national capacity to deal with them in an environmentally sound manner, which constitutes a serious threat to the human rights to life, good health and a sound environment for everyone,

Aware also that many developing countries do not have the national capacities and technologies to process such wastes in order to eradicate or diminish their adverse effects on the human rights to life and health,

1. Takes note of the progress report of the Special Rapporteur (E/CN.4/1999/46) and, in particular, her conclusions and recommendations contained therein;

2. Welcomes the report of the Special Rapporteur on her mission to Latin America (E/CN.4/1999/46/Add.1) and expresses its appreciation to the Governments of Paraguay, Brazil, Costa Rica and Mexico for the cooperation extended to the Special Rapporteur during her visits to those countries;

3. Categorically condemns the dumping of toxic and dangerous products and wastes in developing countries, which adversely affects the human rights to life and health of individuals in those countries;

4. Reaffirms that illicit traffic and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life, health and a sound environment for every individual;

5. Once again urges all Governments to take legislative and other appropriate measures with a view to preventing illegal international trafficking in toxic and hazardous products and wastes;

6. Invites the United Nations Environment Programme, the secretariat for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Commission on Sustainable Development, the International Register of Potentially Toxic Chemicals, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the World Health Organization and the Organization of African Unity and other regional organizations to continue to intensify their coordination and international cooperation and technical assistance on environmentally sound management of toxic chemicals and hazardous wastes, including the question of their transboundary movement;

7. Welcomes the ongoing cooperation between the secretariat for the Basel Convention and:

(a) The International Criminal Police Organization, in the monitoring and prevention of cases of illegal trafficking through the exchange of information; and

(b) The World Customs Organization, in the training of customs officers and the harmonization of classification systems for effective control at customs border posts;

8. Expresses its appreciation to the relevant United Nations agencies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, for the support extended to the Special Rapporteur, and urges them and the international community to continue to give her the necessary support to enable her to discharge her mandate;

9. Urges the international community and the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, to continue to give appropriate support to the developing countries, upon their request, in their efforts to implement the provisions of existing international and regional instruments controlling

the transboundary movement and dumping of toxic and dangerous products and wastes in order to protect and promote the human rights to life and good health of all;

10. Urges the Special Rapporteur to continue to undertake, in consultation with the relevant United Nations bodies and organizations and secretariats of relevant international conventions, a global multidisciplinary and comprehensive study of existing problems of and solutions to illicit traffic in and dumping of toxic and dangerous products and wastes, in particular in developing countries, with a view to making concrete recommendations and proposals on adequate measures to control, reduce and eradicate these phenomena;

11. Reiterates its request to the Special Rapporteur to continue to consult all relevant United Nations bodies, organizations and secretariats, in particular UNEP Chemicals of the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations and the secretariat for the Basel Convention and to take duly into account the progress made in other forums and to identify loopholes;

12. Also reiterates its request to the Special Rapporteur, in accordance with her mandate, to continue to include in her reports to the Commission comprehensive information on persons killed, maimed or otherwise injured in the developing countries through the illicit movement and dumping of toxic and dangerous products and wastes;

13. Encourages the Special Rapporteur, in accordance with her mandate and with the support and assistance of the Office of the United Nations High Commissioner for Human Rights, to continue to provide Governments with an appropriate opportunity to respond to allegations transmitted to her and reflected in her report, and to have their observations reflected in the report to the Commission;

14. Urges the Secretary-General to continue to make all necessary resources available for the Special Rapporteur to carry out her mandate successfully and, in particular, to provide her with adequate financial and human resources, including administrative support;

15. Decides to continue consideration of the question of the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights at its fifty-sixth session under the same agenda item.

54th meeting
26 April 1999
[Adopted by a roll-call vote of 36 votes to 16,
with 1 abstention. See chap. X.]

1999/24. The right to food

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for his health and well-being, including food,

Recalling also the provisions of the International Covenant on Economic, Social and Cultural Rights in which the fundamental right of every person to be free from hunger is recognized,

Recalling further the Universal Declaration on the Eradication of Hunger and Malnutrition,

Bearing in mind the Rome Declaration on World Food Security and the Plan of Action of the World Food Summit, held in Rome from 13 to 17 November 1996,

Recalling all its previous resolutions in this regard, in particular resolution 1998/23 of 17 April 1998,

Recognizing that the problem of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions, unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

Reaffirming that a peaceful, stable and enabling political, social and economic environment, both at a national and an international level, is the essential foundation which will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as did the Rome Declaration, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures not in accordance with international law and the Charter of the United Nations, which endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration and Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

Noting the view expressed by the Committee on Economic, Social and Cultural Rights in its statement on globalization and economic, social and cultural rights adopted on 11 May 1998, in which the Committee argued that while much energy and many resources had been expended by Governments in promoting the trends and policies that were associated with globalization, insufficient efforts were being made to devise new or complementary approaches which could enhance the compatibility of those trends and policies with full respect for economic, social and cultural rights,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and, therefore, requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able fully to develop and maintain their physical and mental capacities;

3. *Considers* intolerable that more than 800 million people, especially women and children, throughout the world, and particularly in developing countries, do not have enough food to meet their basic nutritional needs, which infringes their fundamental human rights and at the same time can generate additional pressures upon the environment in ecologically weak areas;

4. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, to reinforce national actions to implement sustainable food security policies;

5. *Welcomes* the convening of a follow-up consultation on the right to adequate food by the Office of the High Commissioner for Human Rights at the headquarters of the Food and Agriculture Organization of the United Nations on 18 and 19 November 1998 as requested by the Commission in resolution 1998/23, as a concrete and practical response to objective 7.4 of the World Food Summit Plan of Action, in order better to define the rights relating to food in article 11 of the International Covenant on Economic, Social and Cultural Rights and to propose ways to implement and realize those rights as a means of achieving the commitments of the World Food Summit;

6. *Takes note with interest* of the reference in the report of the United Nations High Commissioner for Human Rights (E/CN.4/1999/45) to proposals, based on the International Covenant on Economic, Social and Cultural Rights and other relevant international human rights standards, for the definition of the content and means of implementation of the rights related to food;

7. *Invites once again* the Committee on Economic, Social and Cultural Rights to draft and adopt a general comment as a contribution to the clarification of the content of the rights related to food in article 11 of the International Covenant on Economic, Social and Cultural Rights;

8. *Requests* the High Commissioner to transmit the present resolution to Governments, relevant specialized agencies and programmes, treaty bodies, as well as non-governmental organizations, and invites them to present comments and suggestions for the elaboration of the content and means of implementation of the rights related to food, taking into account the outcome of the follow-up consultation held in Rome on 18 and 19 November 1998;

9. *Requests* the High Commissioner to report on the implementation of the present resolution to the Commission at its fifty-sixth session.

54th meeting
26 April 1999
[Adopted without a vote. See chap. X.]

1999/25. *Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights*

The Commission on Human Rights,

Guided by the principles relating to economic, social and cultural rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling its resolution 1998/33 of 17 April 1998 on the realization of economic, social and cultural rights in general, by which it decided, as part of its efforts to impart a higher visibility to economic, social and cultural rights, to appoint, for a period of three years, a special rapporteur whose mandate will focus on the right to education,

Considering that to ensure the fulfilment of economic, social and cultural rights additional approaches should be examined, including the development of indicators and the identification of progressive developmental benchmarks to promote and measure progress in the realization of the rights set forth in the International Covenant on Economic, Social and Cultural Rights,

1. *Welcomes*:

(a) The preliminary report of the Special Rapporteur on the right to education (E/CN.4/1999/49) and the general approach she has adopted in discharging her mandate, in particular by analysing the nature and scope of the right to education, the obligations of States in this regard, and further identifying with a view to eliminating obstacles, including financial ones, to the realization of the right to education, with special priority given to primary education;

(b) All relevant reports of the United Nations High Commissioner for Human Rights on economic, social and cultural rights and activities of intergovernmental and non-governmental organizations in that regard;

(c) The publication by the United Nations Children's Fund of its report *The State of the World's Children 1999* devoted to the right to education;

(d) The work, with special emphasis on the visibility, promotion and protection of economic, social and cultural rights, carried out in the framework of the follow-up to relevant United Nations conferences, such as the World Summit for Children (1990), the United Nations Conference on Environment and Development (1992), the World Conference on Human Rights (1993), the International Conference on Population and Development (1994), the World Summit for Social Development (1995), the Fourth World Conference on Women (1995), the United Nations Conference on Human Settlements (1996) and the World Food Summit (1996);

2. Notes with interest:

(a) The note by the Secretariat pursuant to Commission resolution 1998/33 (E/CN.4/1999/112 and Add.1);

(b) All resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the realization of economic, social and cultural rights, in particular its resolution 1998/11 of 20 August 1998 on the realization of the right to education, including education in human rights;

(c) The work carried out by the Committee on Economic, Social and Cultural Rights, in particular the day of general discussion devoted to the right to education on 30 November 1998;

(d) The proposals adopted by the Committee on Economic, Social and Cultural Rights at its last sessions to enhance the central role played by the Committee in the promotion and protection of economic, social and cultural rights, namely (i) aiming at the adoption and implementation of a programme of action for the Committee and (ii) recommending to the Commission the appointment of a special rapporteur on economic, social and cultural rights;

(e) The work of the Committee on the Rights of the Child in the promotion of the right to education, guided by the principles of the best interest of the child, non-discrimination and participation;

(f) The recommendations adopted by the open-ended Working Group on structural adjustment programmes and economic, social and cultural rights;

(g) The Hanoi meeting on the 20/20 initiative and its emphasis on investment in social development, including the prioritization of basic education, as a means to ensure the right to education for all without discrimination of any kind;

3. Reaffirms:

(a) That, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy their economic, social and cultural rights, as well as their civil and political rights;

(b) The inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural

Rights and the process of development, the central purpose of which is the realization of the potentialities of the human person with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as with a fair distribution of its benefits;

(c) That all persons in all countries are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality;

(d) The universality, indivisibility, interdependence and interrelationship of all human rights and fundamental freedoms and that promoting and protecting one category of rights should therefore never exempt or excuse States from the promotion and protection of other rights;

(e) The importance of international cooperation for the promotion and protection of all human rights, including economic, social and cultural rights;

(f) That the realization of all human rights and fundamental freedoms, and particularly economic, social and cultural rights, is a dynamic process and that, as is evident in today's world, a great deal remains to be accomplished;

4. Calls upon all States:

(a) To give full effect to the universality of economic, social and cultural rights;

(b) To consider signing and ratifying, and the States parties to implement, the International Covenant on Economic, Social and Cultural Rights;

(c) To guarantee that economic, social and cultural rights will be exercised without discrimination of any kind;

(d) To secure progressively, through national development policies and with international assistance and cooperation, full realization of economic, social and cultural rights, giving particular attention to the individuals, most often women and children, especially girls, and communities living in extreme poverty and therefore most vulnerable and disadvantaged;

(e) To consider in this context, as appropriate, the desirability of drawing up national action plans identifying steps to improve the situation of human rights in general with specific benchmarks designed to give effect to minimum essential levels of enjoyment of economic, social and cultural rights;

(f) To promote the effective and wide participation of representatives of civil society in decision-making processes related to the promotion and protection of economic, social and cultural rights;

5. Calls upon States parties to the International Covenant on Economic, Social and Cultural Rights:

(a) To submit their reports to the Committee on Economic, Social and Cultural Rights in a regular and timely manner;

(b) To promote a concerted national effort to ensure the participation of representatives of all sectors of civil society in the process of preparation of their periodic reports to the Committee on Economic, Social and Cultural Rights and in the implementation of the recommendations of the Committee;

(c) To withdraw reservations incompatible with the object and purpose of the Covenant and to consider reviewing other reservations with a view to withdrawing them;

6. Decides:

(a) To request the Special Rapporteur on the right to education to submit a report to the Commission at its fifty-sixth session;

(b) To request the United Nations High Commissioner for Human Rights to consider the possibility of organizing, in collaboration with relevant United Nations agencies and, in particular, the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization, a workshop to identify progressive developmental benchmarks and indicators related to the right to education which may inform the work of the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child and other human rights treaty bodies and human rights mechanisms, United Nations specialized agencies, Funds and Programmes;

(c) To invite the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization to continue to develop a regular dialogue with the Special Rapporteur and to submit to the Commission on Human Rights information pertaining to their activities in promoting primary education, with specific reference to women and children, particularly girls;

(d) To request the High Commissioner to urge all States to submit their comments on the report by the Committee on Economic, Social and Cultural Rights to the Commission on a draft optional protocol for the consideration of communications in relation to the Covenant (E/CN.4/1997/105, annex) and, taking into account the comments received, to report to the Commission at its fifty-sixth session on options relating to the proposal for a draft optional protocol;

(e) To support the efforts carried out by the High Commissioner to implement the proposed programme of action designed to enhance the ability of the Committee on Economic, Social and Cultural Rights to assist interested Governments in their reporting obligations and its capacity to process and follow up the examination of States parties' reports and, accordingly, to request States parties to the International Covenant on Economic, Social and Cultural Rights to make voluntary financial contributions to ensure the adequate implementation of that programme of action;

7. *Requests* the Secretary-General to provide the Special Rapporteur on the right to education with all the assistance necessary for the execution of the mandate;

8. *Also requests* the Secretary-General to submit to the Commission at its fifty-sixth session a report on the implementation of the present resolution.

54th meeting
26 April 1999
[Adopted without a vote. See chap. X.]

1999/26. *Human rights and extreme poverty*

The Commission on Human Rights,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Recalling in particular that article 25 of the Universal Declaration of Human Rights stipulates that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control,

Recalling also that the eradication of widespread poverty, including its most persistent forms, and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

Deeply concerned that, 51 years after the adoption of the Universal Declaration of Human Rights, extreme poverty continues to spread in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations, such as hunger, disease, lack of adequate shelter, illiteracy and hopelessness are particularly severe in developing countries,

Bearing in mind the relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23),

Recalling in particular that the World Conference on Human Rights reaffirms that least developed countries committed to the process of democratization and economic reforms, many of which are in Africa, should be supported by the international community in order to succeed in their transition to democracy and economic development, *Recalling* its resolution 1998/25 of 17 April 1998, in which it was decided, *inter alia*, to appoint for a period of two years, an independent expert on the question of human rights and extreme poverty,

Noting that the report of the United Nations High Commissioner for Human Rights on the follow-up of the World Conference on Human Rights (E/CN.4/1999/9) considers that the consequence of this decision will be not only to improve the information needed in the decision-making process of United Nations organs and institutions, but also to focus the attention of the international community on this fundamental question,

Recalling General Assembly resolution 50/107 of 20 December 1995, in which the Assembly proclaimed the United Nations Decade for the Eradication of Poverty (1997-2006), as well as Assembly resolution 53/146 of 9 December 1998 on human rights and extreme poverty, in which it recalls that the mandate of the independent expert will be, *inter alia*, to continue to take into account the efforts of the poorest people themselves and the conditions in which they can convey their experiences,

Welcoming the Declaration of the Microcredit Summit, held in Washington, D.C., in 1997, which launched a global campaign to reach 100 million of the world's poorest families, especially women, with credit for self-employment by the year 2005;

Stressing that, in the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, Governments committed themselves to endeavouring to ensure that all men and women, especially those living in poverty, could exercise the rights, utilize the resources and share the responsibilities that would enable them to lead satisfying lives and to contribute to the well-being of their families, their communities and humankind and committed themselves to the goal of eradicating poverty throughout the world through national actions and international cooperation, as an ethical, social, political and economic imperative of humankind,

Recalling the report of the Secretary-General on women's real enjoyment of their human rights, in particular those relating to the elimination of poverty, economic development and economic resources (E/CN.4/1998/22-E/CN.6/1998/11),

Noting with satisfaction the progress report submitted by the independent expert in accordance with Commission resolution 1998/25 (E/CN.4/1999/48),

1. *Reaffirms* that:

(a) Extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

(b) The right to life includes within it existence in human dignity with the minimum necessities of life;

(c) It is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live, in the realization of human rights and in efforts to combat extreme poverty and for people living in poverty and vulnerable groups to be empowered to organize themselves and to participate in all aspects of political, economic and social life, particularly the planning and implementation of policies that affect them, thus enabling them to become genuine partners in development;

(d) The existence of widespread absolute poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

(e) For peace and stability to endure, national action and international action and cooperation are required to promote a better life for all in larger freedom, a critical element of which is the eradication of poverty;

2. Recalls that:

(a) The Copenhagen Declaration on Social Development and Programme of Action of the World Summit on Social Development provide the substantive framework for eradicating poverty by setting specific targets, drawing up plans and implementing programmes;

(b) To ensure the protection of the rights of all individuals, non-discrimination towards the poorest and the full exercise of all human rights and fundamental freedoms, a better understanding is needed of what is endured by people living in poverty, including women and children, and thought must be given to the subject, drawing on the experience and ideas of the poorest themselves and of those committed to working alongside them;

(c) In its resolution 1997/11 of 3 April 1997, it requested the United Nations High Commissioner for Human Rights to give high priority to the question of human rights and extreme poverty, to ensure better cooperation between the institutions and bodies involved, regularly to inform the General Assembly of the evolution of the question and submit specific information on this question at events such as the evaluation of the World Conference on Human Rights planned for 1998, the special session of the General Assembly devoted to conclusions of the World Summit for Social Development, scheduled for 2000, and the evaluation, at the halfway point in 2002 and the end-point in 2007, of the first United Nations Decade for the Eradication of Poverty;

3. Welcomes the observations contained in the report submitted by the independent expert on extreme poverty (E/CN.4/1999/48), according to which the lack of political commitment, not financial resources, is the real obstacle to the eradication of poverty;

4. Notes with interest:

(a) That, in her report of 11 September 1998 to the General Assembly on the mid-term evaluation of the Vienna Declaration and Programme of Action (A/53/372, annex), the United Nations High Commissioner for Human Rights proposes that the Second and Third Committees of the General Assembly should work jointly to implement the right to development by focusing on the elimination of poverty, with particular emphasis placed on basic security, which is necessary to enable individuals and families to enjoy fundamental rights and assume basic responsibilities;

(b) That, on 16 October 1998, on the occasion of the International Day for the Eradication of Poverty, the first step towards joint work by the Second and Third Committees of the General Assembly was taken in the form of the panel presided by the Chairmen of the two Committees on "Poverty, human rights and development", the theme chosen by the General Assembly for 1998 in the context of the United Nations Decade for the Eradication of Poverty;

5. Calls upon:

(a) The General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to take into account the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

(b) States and intergovernmental and non-governmental organizations to continue to take into account, in the activities to be undertaken within the framework of the United Nations Decade for the Eradication of Poverty, the links between human rights and extreme poverty, as well as efforts to empower people living in poverty to participate in decision-making processes on policies that affect them;

(c) The United Nations to strengthen poverty eradication as a priority throughout the United Nations system;

6. Invites:

(a) The treaty bodies monitoring the application of human rights instruments, especially the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination, to take into account, when considering the reports of States parties, the question of extreme poverty and human rights;

(b) The independent expert to continue her reflection, in accordance with her mandate, with a view, in particular:

(i) To report on her activities to the Commission on Human Rights at its fifty-sixth session, underlining in particular the best practices observed during her visits and making this report available to the Commission for Social Development and the Commission on the Status of Women, as appropriate, for their sessions during the same year;

(ii) To contribute to the General Assembly's evaluation in 2000 of the World Summit for Social Development by making her final report and conclusions available to the preparatory committee for the special session of the General Assembly devoted to that evaluation, taking into account, as requested by the General Assembly, the efforts of the poorest people themselves and the conditions in which they can convey their experiences;

7. Requests the United Nations High Commissioner for Human Rights to consider the possibility of holding a workshop with the independent expert and the experts from the Sub-Commission on Prevention of Discrimination and Protection of Minorities in 1999 with a view to consultations also involving the relevant functional commissions of the Economic and Social Council on the main elements of a possible draft declaration on human rights and extreme poverty;

8. Decides to consider this question at its fifty-sixth session under the same agenda item.

55th meeting
26 April 1999
[Adopted without a vote. See chap. X.]

1999/27. Human rights and terrorism

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and the International Covenants on Human Rights,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations, adopted by the General Assembly in its resolution 50/6 of 24 October 1995,

Recalling also the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Recalling further General Assembly resolutions 46/51 of 9 December 1991, 49/60 of 9 December 1994, 50/53 of 11 December 1995, 50/186 of 22 December 1995, 51/210 of 17 December 1996 and 52/133 of 12 December 1997, as well as its own resolution 1998/47 of 17 April 1998,

Noting resolution 1998/29 of 26 August 1998 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, requesting its Special Rapporteur on human rights and terrorism to submit a preliminary report based on her working paper (E/CN.4/Sub.2/1997/28) to the Sub-Commission at its fifty-first session, a progress report at its fifty-second session and a final report at its fifty-third session,

Regretting that the negative impact of terrorism, in all its dimensions, on human rights continues to remain alarming, despite national and international efforts to combat it, *Convinced* that terrorism, in all its forms and manifestations, wherever and by whomever committed, can never be justified in any instance, including as a means to promote and protect human rights,

Conscious of the increasing importance of the role played by the United Nations in combating terrorism,

Bearing in mind that the most essential and basic human right is the right to life,

Bearing in mind also that terrorism in many cases poses a severe challenge to democracy, civil society and the rule of law,

Bearing in mind further that terrorism creates an environment that destroys the freedom from fear of the people,

Profoundly deploring the high number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Noting with great concern that many terrorist groups are connected with other criminal organizations engaged in the illegal traffic in arms and illicit drug trafficking at the national and international levels, as well as the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, taking of hostages, robbery, money laundering and rape,

Mindful of the need to protect the human rights of and guarantees for the individual in accordance with the relevant human rights instruments and standards, particularly the right to life,

Reiterating that all States have an obligation to promote and protect human rights and fundamental freedoms, and that everyone should strive to secure their universal and effective recognition and observance,

Recognizing the need to improve international cooperation on criminal matters and national measures so as to address impunity which can contribute to the continued occurrence of terrorism,

Stressing the need further to strengthen international cooperation between States, international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed, and inviting interested non-governmental organizations to join States in condemning terrorism,

Reaffirming that all measures to counter terrorism must be in strict conformity with international law, including international human rights standards,

Seriously concerned at the gross violations of human rights perpetrated by terrorist groups,

1. Reiterates the unequivocal condemnation of all acts, methods and practices of terrorism, regardless of their motivation, in all their forms and manifestations, wherever and by whomever committed, as acts aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and the rule of law and having adverse consequences for the economic and social development of the State;

2. Condemns the violations of the right to live free from fear and of the right to life, liberty and security;

3. Expresses its solidarity with the victims of terrorism;

4. Condemns incitement of ethnic hatred, violence and terrorism;

5. Calls upon States to take all necessary and effective measures, in strict conformity with international law, including international human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed;

6. Urges the international community to enhance cooperation at the regional and international levels in the fight against terrorism in all its forms and manifestations, in accordance with relevant international instruments, including those relating to human rights, with the aim of its eradication;

7. Calls upon States, in particular within their respective national frameworks and in conformity with their international commitments in the field of human rights, to enhance their cooperation with a view to bringing terrorists to justice;

8. Requests, in this context, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in her forthcoming preliminary report on human rights and terrorism, to give attention to the question of impunity;

9. Urges all relevant human rights mechanisms and procedures, as appropriate, to address the consequences of the acts, methods and practices of terrorist groups in their forthcoming reports to the Commission;

10. Requests the Secretary-General to continue to collect information, including a compilation of studies and publications, on the implications of terrorism, as well as on the effects of the fight against terrorism, on the full enjoyment of human rights from all relevant sources, including Governments, specialized agencies, intergovernmental organizations, non-governmental organizations and academic institutions, and to make it available to the concerned special rapporteurs and working groups of the Commission on Human Rights for their consideration;

11. Decides to continue consideration of the question at its fifty-sixth session as a matter of priority.

55th meeting
26 April 1999
[Adopted by a roll-call vote of 27 votes to none,
with 26 abstentions. See chap. XI.]

1999/28. Human rights and arbitrary deprivation of nationality

The Commission on Human Rights,

Recalling its resolutions on human rights and arbitrary deprivation of nationality,

Reaffirming article 15 of the Universal Declaration of Human Rights, in accordance with which everyone has the right to a nationality and no one shall be arbitrarily deprived of his nationality,

Recalling the provisions of other international human rights instruments, including article 5, paragraph (d) (iii), of the International Convention on the Elimination of All Forms of Racial Discrimination, article 24, paragraph 3, of the International Covenant on Civil and Political Rights and articles 7 and 8 of the Convention on the Rights of the Child,

Stressing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis, as reaffirmed in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23),

Expressing its deep concern at the arbitrary deprivation of persons or groups of persons of their nationality, especially on racial, national, ethnic, religious or gender grounds,

Recalling that depriving a person of his or her nationality may lead to statelessness,

Mindful of the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their populations because of nationality, ethnicity, race, religion or language,

1. Reaffirms the importance of the right to a nationality of every human person as an inalienable human right;

2. Recognizes that arbitrary deprivation of nationality on racial, national, ethnic, religious or gender grounds is a violation of human rights and fundamental freedoms;

3. Calls upon all States to refrain from taking measures and from enacting legislation that discriminate against persons or groups of persons on grounds of race, colour, gender, religion, or national or ethnic origin by nullifying or impairing the exercise, on an equal footing, of their right to a nationality, especially if this renders a person stateless, and to repeal such legislation if it already exists;

4. Notes that full social integration of an individual might be impeded as a result of arbitrary deprivation of nationality;

5. Takes note of the report of the Secretary-General (E/CN.4/1999/56 and Add.1-2) and thanks those Governments which provided information for the report;

6. Urges the appropriate mechanisms of the Commission on Human Rights and the pertinent United Nations treaty bodies to continue to collect information on this question from all relevant sources and to take account of such information, together with any recommendations thereon, in their reports;

7. Requests the Secretary-General to continue to collect information on this question from all relevant sources and to make it available to the Commission on Human Rights for its consideration;

8. Decides to remain seized of this matter.

55th meeting
26 April 1999
[Adopted without a vote. See chap. XI.]

1999/29. Hostage-taking

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, freedom from torture or degrading treatment, freedom of movement and protection from arbitrary detention,

Taking into account the International Convention against the Taking of Hostages, adopted by the General Assembly in its resolution 34/146 of 17 December 1979, which also recognizes that everyone has the right to life, liberty and security of person and that the taking of hostages is an offence of grave concern to the international community, as well as the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly in its resolution 3166 (XXVIII) of 14 December 1973,

Bearing in mind the relevant Security Council resolutions condemning all cases of hostage-taking,

Recalling its previous resolutions on the subject, in particular its resolution 1992/23 of 28 February 1992, in which it condemned the taking of any person as a hostage, Concerned that, despite the efforts of the international community, acts of hostage-taking in different forms and manifestations, including, inter alia, those committed by terrorists and armed groups, continue to take place and even have increased in many regions of the world,

Appealing for the humanitarian action of humanitarian organizations, in particular of the International Committee of the Red Cross and its delegates, to be respected, in accordance with the Geneva Conventions of 12 August 1949 and the Additional Protocols of 1977 thereto,

Recognizing that hostage-taking calls for resolute, firm and concerted efforts on the part of the international community in order, in strict conformity with international human rights standards, to bring such abhorrent practices to an end,

1. Reaffirms that hostage-taking, wherever and by whomever committed, is an illegal act aimed at the destruction of human rights and is, under any circumstances, unjustifiable;

2. Condemns all acts of hostage-taking, anywhere in the world;

3. Demands that all hostages be released immediately and without any preconditions;

4. Calls upon States to take all necessary measures, in accordance with relevant provisions of international law and international human rights standards, to prevent, combat and punish acts of hostage-taking, including by strengthening international cooperation in this field;

5. Urges all thematic special rapporteurs and working groups to continue to address, as appropriate, the consequences of hostage-taking in their forthcoming reports to the Commission;

6. Decides to remain seized of this matter.

55th meeting
26 April 1999
[Adopted without a vote. See chap. XI.]

1999/30. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling its resolution 1992/43 of 3 March 1992, by which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussions the draft text proposed by the Government of Costa Rica at the forty-seventh session of the Commission (E/CN.4/1991/66), and decided to consider the question at its forty-ninth session, Recalling also the subsequent resolutions on the subject, in particular resolution 1998/35 of 30 July 1998 of the Economic and Social Council, in which the Council authorized the Working Group to meet in order to continue its work,

Recalling further that the World Conference on Human Rights firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention and called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,

1. Takes notes of the report of the Working Group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1999/59);

2. Requests the Working Group, in order to continue its work, to meet prior to the fifty-sixth session of the Commission for a period of two weeks, with a view to completing expeditiously a final and substantive text, and to report to the Commission at its fifty-sixth session;

3. Requests the Secretary-General to transmit the report of the Working Group to all Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and intergovernmental and non-governmental organizations, and to invite them to submit their comments to the Working Group;

4. Also requests the Secretary-General to invite Governments, the specialized agencies and relevant intergovernmental and non-governmental organizations, as well as the Chairperson of the Committee against Torture and the Special Rapporteur on the question of torture to participate if needed, in the activities of the Working Group;

5. Further requests the Secretary-General to extend all necessary facilities to the Working Group for its meeting prior to the fifty-sixth session of the Commission;

6. Encourages the Chairman-Rapporteur of the Working Group to conduct informal inter-sessional consultations with all interested parties in order to facilitate the completion of a consolidated text;

7. Decides to examine the report of the Working Group at its fifty-sixth session under the same sub-item;

8. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 12.]

55th meeting
26 April 1999
[Adopted without a vote. See chap. XI.]

1999/31. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular Part I, paragraph 27, and Part II, paragraphs 88, 90 and 95, thereof,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Recalling its resolution 1994/41 of 4 March 1994, in which it requested the Chairman of the Commission to appoint, for a period of three years, a special rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, and its resolution 1997/23 of 11 April 1997, in which it decided to extend the mandate of the Special Rapporteur for a further period of three years,

Recalling also its resolution 1995/36 of 3 March 1995, in which it endorsed the decision of the Special Rapporteur to use, beginning in 1995, the short title "Special Rapporteur on the independence of judges and lawyers",

Recalling further General Assembly resolution 40/32 of 29 November 1985, as well as Assembly resolution 40/146 of 13 December 1985, in which the Assembly endorsed the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and Assembly resolution 40/146 of 13 December 1985,

Recalling General Assembly resolution 45/166 of 18 December 1990, in which the Assembly welcomed the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and invited Governments to respect them and to take them into account within the framework of their national legislation and practice,

Recalling also the recommendations adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders regarding, among other things, the invitation addressed to Member States to ensure the independence and impartiality of the judiciary and the proper functioning of prosecutorial and legal services in the field of penal justice and police affairs, taking into account the Basic Principles on the Independence of the Judiciary,

Recalling further the Statement of Principles on the Independence of the Judiciary adopted in Beijing in August 1995 by the Sixth Conference of Chief Justices of Asia and the Pacific, and the Cairo Declaration, adopted in November 1995 by the Third Conference of Francophone Ministers of Justice, Acknowledging the importance for the Special Rapporteur of being able to cooperate closely, in the framework of his mandate, with the Office of the United Nations High Commissioner for Human Rights in the field of advisory services and technical cooperation, which could contribute to guaranteeing the independence of judges and lawyers,

Recognizing the importance of the role of non-governmental organizations, bar associations and professional associations of judges in the defence of the principles of the independence of lawyers and judges,

Noting with concern the increasingly frequent attacks on their independence suffered by judges, lawyers and court officers, and aware of the close link between the weakening of safeguards for judges, lawyers and court officers and the frequency and gravity of violations of human rights,

1. Takes note of the report of the Special Rapporteur on the independence of judges and lawyers on the activities relating to his mandate (E/CN.4/1999/60);

2. Also takes note of the cooperative working methods that the Special Rapporteur has adopted to draw up his report and implement his mandate, as described in Commission resolution 1994/41;

3. Welcomes the numerous exchanges the Special Rapporteur has had with several intergovernmental and international organizations and United Nations bodies, and encourages him to continue along this path;

4. Notes with appreciation the determination of the Special Rapporteur to achieve as wide dissemination as possible of information about existing standards relating to the independence and impartiality of the judiciary and the independence of the legal profession in conjunction with the publications and promotional activities of the Office of the United Nations High Commissioner for Human Rights;

5. Invites the High Commissioner to continue to provide technical assistance to train judges and lawyers and to associate the Special Rapporteur in the elaboration of a manual on the training of judges and lawyers in the field of human rights;

6. Urges all Governments to assist the Special Rapporteur in the discharge of his mandate and to transmit to him all the information requested;

7. Encourages Governments that face difficulties in guaranteeing the independence of judges and lawyers, or that are determined to take measures to implement these principles further, to consult and to consider the services of the Special Rapporteur, for instance by inviting him to their country if the Government concerned deems it necessary;

8. Requests the Special Rapporteur to submit a report on the activities relating to his mandate to the Commission at its fifty-sixth session and decides to consider this question at that session;

9. Requests the Secretary-General, within the limits of the United Nations regular budget, to provide the Special Rapporteur with any assistance needed for the discharge of his mandate.

55th meeting
26 April 1999
[Adopted without a vote. See chap. XI.]

1999/32. Torture and other cruel, inhuman or degrading treatment or punishment

The Commission on Human Rights,

Reaffirming that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment, that such actions constitute a criminal attempt to destroy a fellow human being physically and mentally, which can never be justified under any circumstances, by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights,

Recalling that freedom from torture and cruel, inhuman or degrading treatment or punishment is a non-derogable right and that the prohibition of torture is explicitly affirmed in article 5 of the Universal Declaration of Human Rights, article 7 of the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as in the relevant provisions of other international human rights instruments such as the Convention on the Rights of the Child, the Vienna Declaration and Programme of Action, the Declaration on the Elimination of All Forms of Violence against Women, the four Geneva Conventions of 1949 for the protection of war victims, and in the outcome of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court,

Recalling also the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Appalled at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

Recalling all relevant resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, in particular Assembly resolution 51/86 of 12 December 1996 and Commission resolution 1998/38 of 17 April 1998 and General Assembly resolution 53/139 of 9 December 1998,

Mindful of the proclamation by the General Assembly, in its resolution 52/149 of 12 December 1997, of 26 June as United Nations International Day in Support of Victims of Torture,

1. Calls upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Urges* all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular Part II, section B.5, relating to freedom from torture, in which it is stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law;

3. *Reminds* Governments that corporal punishment, including of children, can amount to cruel, inhuman or degrading punishment or even to torture;

4. *Stresses in particular* that all allegations of torture or cruel, inhuman or degrading treatment or punishment should be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate such acts must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have taken place, and that national legal systems should ensure that the victims of such acts obtain redress and are awarded fair and adequate compensation and receive appropriate socio-medical rehabilitation;

5. *Reminds* all States that prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment;

6. *Calls upon* all Governments, the United Nations High Commissioner for Human Rights and United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate on 26 June the United Nations International Day in Support of Victims of Torture;

7. *Takes note* of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1999/54);

8. *Urges* all States to become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a matter of priority;

9. *Invites* all States ratifying or acceding to the Convention and those States parties that have not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to avoid making, or consider the possibility of withdrawing, reservations to article 20;

10. *Urges* States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

11. *Also urges* all States parties to comply strictly with their obligations in accordance with article 19 of the Convention, including their reporting obligations, and, in particular, those States parties whose reports are long overdue to submit their reports forthwith, and invites States parties to incorporate a gender perspective, and information concerning children and juveniles in the reports they submit to the Committee;

12. Stresses that, under article 4 of the Convention, acts of torture must be made an offence under domestic criminal law and that acts of torture during armed conflict are considered a grave breach of the Geneva Conventions of 1949, with the perpetrators liable to prosecution and punishment;

13. Emphasizes the obligation of States parties under article 10 of the Convention to ensure education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment, and calls upon the United Nations High Commissioner for Human Rights, in conformity with her mandate established in General Assembly resolution 48/141 of 20 December 1993, to provide, at the request of Governments, advisory services in this regard, as well as technical assistance in the development, production and distribution of appropriate teaching material for this purpose;

14. Stresses in this context that States must not punish personnel referred to in the preceding paragraph for not obeying orders to commit acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

15. Welcomes the report of the Committee against Torture on its nineteenth and twentieth sessions (A/53/44);

16. Also welcomes the work of the Committee against Torture and its practice of formulating concluding observations after the consideration of reports, as well as its practice of carrying out inquiries into cases where there are indications of the systematic practice of torture within the jurisdiction of States parties;

17. Urges States parties to take fully into account, in implementing the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the conclusions and recommendations made by the Committee against Torture at the end of its consideration of their reports;

18. Requests the Secretary-General to continue to submit to the Commission an annual report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

19. Commends the Special Rapporteur for his work as reflected in his report (E/CN.4/1999/61 and Add.1);

20. Notes the recommendations of the Special Rapporteur contained in his report, as well as the recommendations made in previous years, and encourages him to continue to include amongst his recommendations proposals on the prevention and investigation of torture, taking into account information received on training manuals, training activities and specialized devices aimed at facilitating the practice of torture;

21. Approves the methods of work employed by the Special Rapporteur as set out in a previous report (E/CN.4/1997/4, annex), in particular with regard to urgent appeals, encourages him to continue to respond effectively to

credible and reliable information that comes before him and invites him to continue to seek the views and comments of all concerned, including Governments, in the elaboration of his report;

22. _Invites_ the Special Rapporteur to continue to examine questions concerning torture and other cruel, inhuman or degrading treatment or punishment directed against women and conditions conducive to such torture, to make appropriate recommendations concerning the prevention and redress of gender-specific forms of torture, including through rape or any other form of sexual violence, and to exchange views with the Special Rapporteur on violence against women, its causes and consequences, with a view to enhancing further their effectiveness and mutual cooperation;

23. _Also invites_ the Special Rapporteur to continue to consider questions relating to the torture of children and conditions conducive to such torture and other cruel, inhuman or degrading treatment or punishment and to make appropriate recommendations concerning the prevention of such torture;

24. _Calls upon_ all Governments to cooperate with and assist the Special Rapporteur on the question of torture in the performance of his task, to supply all necessary information requested by him and to react appropriately and expeditiously to his urgent appeals;

25. _Urges_ those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer without further delay;

26. _Calls upon_ all Governments to give serious consideration to the Special Rapporteur's requests to visit their countries and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to his recommendations, so as to enable him to fulfil his mandate even more effectively;

27. _Requests_ the Special Rapporteur to continue to consider inclusion of information in his report on the follow-up by Governments to his recommendations, visits and communications, including both improvements and problems encountered;

28. _Considers it desirable_ that the Special Rapporteur continue to exchange views with the relevant human rights mechanisms and bodies, especially the Committee against Torture and the Office of the United Nations High Commissioner for Human Rights, in particular with a view to enhancing further their effectiveness and mutual cooperation, while avoiding unnecessary duplication with other special procedures, and that he should pursue cooperation with relevant United Nations programmes, notably that on crime prevention and criminal justice;

29. _Invites_ the Special Rapporteur to present an interim report to the General Assembly at its fifty-fourth session on the overall trends and developments with regard to his mandate and a full report to the Commission at its fifty-sixth session, including all replies sent by Governments that are received in any of the official languages of the United Nations;

30. Takes note of the reports of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/53/283 and E/CN.4/1999/55);

31. Expresses its appreciation to the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture for the work it has accomplished, and to those Governments, organizations and individuals that have contributed to the Fund and encourage them to continue to do so;

32. Appeals to all Governments, organizations and individuals to contribute annually to the Fund, if possible with a substantial increase in the contributions in order to take into consideration the ever-increasing demand for assistance, and takes note of the request of the Board of Trustees that such contributions be paid before the Board's annual meeting in May;

33. Stresses in particular the increasing need for assistance to rehabilitation services for victims of torture;

34. Requests the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

35. Renews its request to the Secretary-General to transmit to all Governments the appeals of the Commission for contributions to the Fund;

36. Calls upon the Board of Trustees of the Fund to report to the Commission at its fifty-sixth session and present an updated assessment of the global need for international funding of rehabilitation services for victims of torture;

37. Requests the Secretary-General to continue to keep the Commission informed of the operations of the Fund on an annual basis;

38. Urges States parties whose arrears predate the provision made by the Secretary-General for funding the Committee against Torture from the regular budget to fulfil their obligations forthwith;

39. Requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing, as well as the necessary technical facilities for the United Nations bodies and mechanisms dealing with torture, in order to ensure their effective performance;

40. Decides to continue to consider these questions at its fifty-sixth session, as a matter of priority.

55th meeting
26 April 1999
[Adopted without a vote. See chap. XI.]

1999/33. The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, other relevant human rights instruments and the Vienna Declaration and Programme of Action,

Reaffirming that, pursuant to internationally proclaimed human rights principles, victims of grave violations of human rights should receive, in appropriate cases, restitution, compensation and rehabilitation,

Reiterating the importance of addressing the question of restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms in a systematic and thorough way at the national and international levels,

Recalling its resolution 1996/35 of 19 April 1996, in which it regarded the basic principles and guidelines on the right to redress of victims of grave violations of human rights and international humanitarian law, proposed by the former Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Theo van Boven, as a useful basis for giving priority attention to the question of restitution, compensation and rehabilitation,

Taking note with appreciation of the Secretary-General's note (E/CN.4/1999/53) submitted in compliance with Commission resolution 1998/43 of 17 April 1998,

Also taking note with appreciation of the report of the independent expert appointed by the Commission (E/CN.4/1999/65),

Noting with satisfaction the positive experience of countries that have established policies and adopted legislation on restitution, compensation and rehabilitation for victims of grave violations of human rights;

1. Calls upon the international community to give due attention to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights;

2. Requests the Secretary-General to invite States and intergovernmental and non-governmental organizations to collaborate with the independent expert appointed by the Commission and assist him in the performance of his task;

3. Requests the independent expert to complete his work and submit to the Commission at its fifty-sixth session, in accordance with the instructions issued by the Commission in its resolution 1998/43, a revised version of the basic principles and guidelines prepared by Mr. Theo van Boven (E/CN.4/1997/104, annex), taking into account the views and comments of States and of intergovernmental and non-governmental organizations;

4. Decides to continue its consideration of this matter at its fifty-sixth session under the agenda sub-item entitled "Independence of the judiciary, administration of justice, impunity".

55th meeting
26 April 1999
[Adopted without a vote. See chap. XI.]

1999/34. Impunity

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments, and the Vienna Declaration and Programme of Action,

Recalling the universality, interdependence and indivisibility of civil, political, economic, social and cultural rights,

Recalling also its resolutions 1998/53 of 17 April 1998 and 1994/44 of 4 March 1994, and taking note of resolutions 1998/13 of 20 August 1998 and 1997/28 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as section II.E, paragraph 91, of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Convinced that the practice and expectation of impunity for violations of international human rights or humanitarian law encourage such violations and are among the fundamental obstacles to the observance of international human rights and humanitarian law and the full implementation of international human rights and humanitarian law instruments,

Convinced also that exposing violations of human rights, holding their perpetrators and their accomplices and collaborators accountable, obtaining justice for their victims, as well as preserving historical records of such violations and restoring the dignity of victims through acknowledgment and commemoration of their suffering, will guide future societies and are integral to the promotion and implementation of all human rights and fundamental freedoms and to the prevention of future violations,

Recognizing that accountability of perpetrators of grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the establishment, by a number of States where serious human rights violations have occurred in the past, of mechanisms to expose such violations, including commissions of inquiry or commissions for achieving truth and reconciliation,

Expressing satisfaction at the completion of the mandate of General Assembly resolution 52/160 of 15 December 1997 by the adoption on

17 July 1998 of the Rome Statute of the International Criminal Court (A/CONF.183/9), while acknowledging the work of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda, as measures in the fight against impunity,

Conscious that the phenomenon of impunity affects all spheres of society,

Convinced of the need for Governments to combat impunity by addressing past or ongoing abuses, taking measures aimed at preventing the recurrence of such violations,

1. Emphasizes the importance of combating impunity to the prevention of violations of international human rights and humanitarian law and urges States to give necessary attention to the question of impunity for violations of international human rights and humanitarian law, including those perpetrated against women, and to take appropriate measures to address this important issue;

2. Recognizes that, for the victims of human rights violations, public knowledge of their suffering and the truth about perpetrators of these violations are essential steps towards rehabilitation and reconciliation, and urges States to intensify their efforts to provide victims of human rights violations with a fair and equitable process through which these violations can be investigated and made public and to encourage victims to participate in such a process;

3. Welcomes in this regard the publication in some States of the reports of commissions of truth and reconciliation established by those countries to address human rights violations that have occurred there in the past and encourages other States where serious human rights violations have occurred in the past to establish appropriate mechanisms to expose such violations;

4. Emphasizes the importance of taking all necessary and possible steps to hold accountable perpetrators of violations of international human rights and humanitarian law, and urges States to take action in accordance with due process of law;

5. Calls upon States to cooperate with the Preparatory Commission that is engaged in drafting the rules of procedure and evidence of the International Criminal Court and in clarifying details of its operation, and to consider signing and ratifying the Statute establishing the Court;

6. Calls upon States and the United Nations High Commissioner for Human Rights to consider providing to States, upon their request, concrete and practical assistance and cooperation in seeking to achieve the goals set out in the present resolution;

7. Recalls the report submitted by Mr. Louis Joinet pursuant to Sub-Commission decision 1996/119 of 29 August 1996 (E/CN.4/Sub.2/1997/20/Rev.1) and the Set of principles for the protection and promotion of human rights through action to combat impunity, annexed to the report, thanks those States that submitted comments on the report pursuant to

resolution 1998/53 and invites all other States, international organizations and non-governmental organizations to provide the Secretary-General with their views and comments on the report;

8. *Requests* the Secretary-General to again invite States to provide information on any legislative, administrative or other steps they have taken to combat impunity for human rights violations in their territory and to provide information on remedies available to the victims of such violations;

9. *Also requests* the Secretary-General to collect the information and comments received pursuant to the present resolution and to submit a report to the Commission at its fifty-sixth session;

10. *Invites* the special rapporteurs and other mechanisms of the Commission to continue to give due consideration to the issue of impunity in the discharge of their mandates;

11. *Decides* to continue its consideration of this matter at its fifty-sixth session under the agenda item entitled "Promotion and protection of human rights".

55th meeting
26 April 1999
[Adopted without a vote. See chap. XI.]

1999/35. *Extrajudicial, summary or arbitrary executions*

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,

Having regard to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Mindful of General Assembly resolutions on the subject of extrajudicial, summary or arbitrary executions, of which the latest is resolution 53/147 of 9 December 1998 in which the Assembly requested the Special Rapporteur to submit to it at its fifty-fifth session an interim report on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and her recommendations for more effective action to combat that phenomenon,

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the Safeguards guaranteeing protection of the rights of those facing the death penalty, annexed thereto, and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985, *Deeply alarmed* at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions in all parts of the world,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions in those countries,

Acknowledging the historic significance of the adoption of the Rome Statute of the International Criminal Court (A/CONF.183/9),

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the fundamental right to life,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. *Demands* that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

3. *Notes* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

4. *Reiterates* the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, to grant adequate compensation to the victims or their families and to adopt all necessary measures to prevent the recurrence of such executions;

5. *Calls upon* the Governments of all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, keeping in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

6. *Urges* Governments to undertake all necessary and possible measures to prevent loss of life during situations of public demonstrations, internal and communal violence, disturbances, tension and public emergency or armed conflicts, and to ensure that the police and security forces receive thorough training in human rights matters, in particular with regard to restrictions on the use of force and firearms in the discharge of their functions;

7. *Appeals* to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and, where applicable, to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977 in relation to the treatment of prisoners in armed conflicts, as well as to other pertinent international instruments;

8. Takes note of the report of the Special Rapporteur (E/CN.4/1999/39 and Add.1), including the attention given therein to, and the recommendations on, various aspects and situations of violations of the right to life by extrajudicial, summary or arbitrary executions;

9. Expresses its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by the Special Rapporteur, invites them to report to the Special Rapporteur on actions taken on those recommendations, and requests other Governments, including those mentioned in the report of the Special Rapporteur, to cooperate in a similar way;

10. Commends the important role the Special Rapporteur has played towards the elimination of extrajudicial, summary or arbitrary executions and encourages the Special Rapporteur to continue, within the framework of the mandate, to collect information from all concerned and to seek the views and comments of Governments in order to be able to respond effectively to reliable information that comes before the Special Rapporteur and to follow up on communications and country visits;

11. Requests the Special Rapporteur, in carrying out her mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit her findings on an annual basis, together with conclusions and recommendations, to the Commission, as well as such other reports as the Special Rapporteur deems necessary in order to keep the Commission informed about serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

(b) To respond effectively to information which comes before her, in particular when an extrajudicial, summary or arbitrary execution is imminent or seriously threatened or when such an execution has occurred;

(c) To enhance further her dialogue with Governments, as well as to follow up recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals carrying out peaceful activities in defence of human rights and fundamental freedoms;

(f) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(g) To apply a gender perspective in her work;

12. Urges the Special Rapporteur to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary executions as are of particularly serious concern to her or where early action might prevent further deterioration;

13. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights and encourages the Special Rapporteur to continue efforts in this regard;

14. Strongly urges all Governments:

(a) To cooperate with and assist the Special Rapporteur so that her mandate may be carried out effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when she so requests, in keeping with the usual terms of reference for missions by special rapporteurs of the Commission on Human Rights;

(b) To respond to the communications transmitted to them by the Special Rapporteur;

15. Expresses its concern that a number of Governments mentioned in the report of the Special Rapporteur have not replied to specific allegations and reports of extrajudicial, summary or arbitrary executions transmitted to them by the Special Rapporteur;

16. Encourages Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers and government officials, as well as members of United Nations peacekeeping or observer missions, on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

17. Requests the Secretary-General to provide the Special Rapporteur with an adequate and stable level of human, financial and material resources in order to enable her to continue to carry out her mandate effectively, including through country visits;

18. Also requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

19. Further requests the Secretary-General to continue, in close collaboration with the United Nations High Commissioner for Human Rights, in conformity with the High Commissioner's mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of

United Nations missions, where appropriate, in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions;

20. *Decides* to consider the question of extrajudicial, summary or arbitrary executions as a matter of priority at its fifty-sixth session under the same agenda item.

55th meeting
26 April 1999
[Adopted without a vote. See chap. XI.]

1999/36. *Right to freedom of opinion and expression*

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Mindful of the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice,

Mindful also that the International Covenant on Civil and Political Rights also states that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these should be only such as are provided by law and are necessary for the respect of the rights and reputations of others, or for the protection of national security or public order (*ordre public*) or of public health or morals, and that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Recalling the Johannesburg Principles on National Security, Freedom of Expression and Access to Information adopted by a group of experts meeting in South Africa on 1 October 1995 (E/CN.4/1996/39, annex),

Mindful of the need to ensure that unjustified invocation of national security to restrict the right to freedom of expression and information does not take place,

Noting that restrictions on the exercise of the right to freedom of opinion and expression could indicate a deterioration in the protection, respect for and enjoyment of other human rights and freedoms,

Considering that the effective promotion and protection of the human rights of persons who exercise the right to freedom of opinion and expression are of fundamental importance to the safeguarding of human dignity, Reaffirming that education is an integral component of the full and effective participation of persons in a free society, in particular for the full enjoyment of the right to freedom of opinion and expression, and that the eradication of illiteracy is very important to the achievement of these goals and to the development of the human person,

Deeply concerned at numerous reports of detention, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, against professionals in the field of information,

Taking note of the need to raise awareness about all aspects of the interrelationship between the use and availability of new media of communication, including modern telecommunications technology, and the right to freedom of expression and information, and of the efforts made in this regard in a number of international and regional forums, and mindful of provisions of relevant instruments,

Deeply concerned that for women there exists a gap between the right to freedom of opinion and expression, the right to information and the effective enjoyment of those rights, and that this gap contributes to inadequate action by Governments in the integration of the human rights of women into the mainstream of their human rights activities,

1. Reaffirms its commitment to the principles contained in the International Covenant on Civil and Political Rights;

2. Welcomes the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/1999/64 and Add.1-2);

3. Expresses its concern at the extensive occurrence of detention, long-term detention and extrajudicial killing, persecution and harassment, including through the abuse of legal provisions on criminal libel, of threats and acts of violence and of discrimination directed at persons who exercise the right to freedom of opinion and expression, including the right to seek, receive and impart information, and the intrinsically linked rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs, as well as at persons who seek to promote the rights affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and seek to educate others about them or who defend those rights and freedoms, including legal professionals and others who represent persons exercising those rights;

4. Also expresses its concern at the number of cases in which the violations referred to in paragraph 3 of the present resolution are facilitated and aggravated by several factors such as abuse of states of emergency, exercise of the powers specific to states of emergency without formal declaration, and too vague a definition of offences against State security;

5. Calls for further progress towards release of persons detained for exercising the rights and freedoms referred to in paragraph 3 of the present resolution, bearing in mind that each individual is entitled to the full enjoyment of all human rights and fundamental freedoms;

6. Urges Governments to implement effective measures to eliminate the atmosphere of fear which often prevents women who have been victims of violence, either in domestic or community settings or as a result of armed conflict, from communicating freely on their own behalf or through intermediaries;

7. Invites once again the working groups, representatives and special rapporteurs of the Commission on Human Rights to pay attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treated or discriminated against for having exercised the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments;

8. Appeals to all States:

(a) To ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression, including the right to seek, receive and impart information, the rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs, or who seek to promote and defend these rights and freedoms, and, where any persons have been detained, subjected to violence or threats of violence or to harassment, including persecution and intimidation, even after their release from detention, for exercising these rights as laid down in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments, to take the appropriate steps to ensure the immediate cessation of these acts and to create conditions under which these acts may be less liable to occur;

(b) To ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services, and in this context to pay particular attention to the situation of women;

(c) To cooperate with and assist the Special Rapporteur in the performance of his tasks and to provide all information necessary in order to permit him fully to carry out his mandate;

9. Invites the Special Rapporteur, within the framework of his mandate:

(a) To draw the attention of the United Nations High Commissioner for Human Rights to those situations and cases regarding freedom of opinion and expression which are of particularly serious concern to the Special Rapporteur, and encourages the High Commissioner, within her mandate, to take into account reports in this regard in the context of her activities to promote and protect human rights, with a view to preventing the occurrence and recurrence of human rights violations;

(b) In cooperation with the Special Rapporteur on violence against women, its causes and consequences, to continue to pay particular attention to the situation of women and the relationship between the effective promotion and protection of the right to freedom of opinion and expression and incidents of discrimination based on sex, creating obstacles for women with regard to their right to seek, receive and impart information, and to consider how these obstacles impede the ability of women to make informed choices in areas of particular importance to them, as well as in areas related to the general decision-making processes in the societies in which they live;

(c) With a view to promoting greater efficiency and effectiveness, as well as enhancing his access to the information necessary for him to fulfil his duties, to continue his efforts to cooperate with other special rapporteurs, special representatives, independent experts, working groups, other United Nations mechanisms and procedures in the field of human rights, specialized agencies, including the United Nations Educational, Scientific and Cultural Organization, and regional intergovernmental organizations, and further to develop and extend his network of relevant non-governmental organizations, particularly at the local level, with a view to ensuring that he has the full benefit of all pertinent information from such non-governmental organizations;

(d) To develop further his commentary on the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, and to expand on his observations and recommendations arising from communications;

(e) To continue to provide his views, when appropriate, on the advantages and challenges of new information technologies, including the Internet, for the exercise of the right to freedom of opinion and expression, including the right to seek, receive and impart information and the relevance of a wide diversity of sources;

(f) To continue to seek the views and comments of the Governments and others concerned in the elaboration of his report, as well as to continue to carry out his work with discretion and independence;

10. Expresses once again its concern at the inadequate resources, both human and material, provided to the Special Rapporteur, particularly in the light of the information contained in his latest report, and accordingly reiterates its request to the Secretary-General to provide the assistance necessary to the Special Rapporteur to fulfil his mandate effectively, in particular by placing adequate human and material resources at his disposal;

11. Decides to extend the mandate of the Special Rapporteur for a further three years;

12. Requests the Special Rapporteur to submit to the Commission at its fifty-sixth session a report covering activities relating to his mandate and decides to continue its consideration of this question at that session.

55th meeting
26 April 1999
[Adopted without a vote. See chap. XI.]

1999/37. Question of arbitrary detention

The Commission on Human Rights,

Reaffirming articles 3, 9, 10 and 29, as well as other relevant provisions, of the Universal Declaration of Human Rights,

Recalling articles 9, 10, 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Bearing in mind that, in accordance with Commission resolution 1991/42 of 5 March 1991, the task of the Working Group on Arbitrary Detention is to investigate cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned,

Reaffirming its resolution 1998/41 of 17 April 1998,

1. Takes note:

(a) Of the report of the Working Group on Arbitrary Detention (E/CN.4/1999/63 and Add.1-4);

(b) Of the work of the Working Group on Arbitrary Detention and underlines the positive initiatives it has taken to strengthen cooperation and dialogue with States and the establishment of cooperation with all those concerned by the cases submitted to it for consideration, in accordance with its mandate;

(c) Of the importance that the Working Group attaches to coordination with other mechanisms of the Commission, with other competent United Nations bodies and with treaty bodies, as well as to the strengthening of the role of the United Nations High Commissioner for Human Rights in such coordination, and encourages the Working Group to take all necessary measures to avoid duplication with those mechanisms, in particular regarding the treatment of the communications it receives and field visits;

2. Also takes note of the criteria defined by the Working Group in its evaluation of the situation of immigrants and asylum-seekers, in accordance with the request made by the Commission in its resolution 1998/41, and encourages it to continue its work in this area;

3. Requests the Governments concerned to take account of the Working Group's views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they have taken;

4. Encourages the Governments concerned:

(a) To pay attention to the recommendations of the Working Group concerning persons mentioned in its report who have been detained for a number of years;

(b) To take appropriate measures in order to ensure that their legislation in these fields is in conformity with the relevant international standards and the relevant international legal instruments applicable to the States concerned and not to extend states of emergency beyond what is strictly required by the situation or to limit their effects;

5. _Encourages_ all Governments to invite the Working Group to visit their countries so that it may carry out its mandate even more effectively;

6. _Requests_ the Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its possible final conclusions;

7. _Expresses its profound thanks_ to the Governments which have extended their cooperation to the Working Group and responded to its requests for information and invites all Governments concerned to demonstrate the same spirit of cooperation;

8. _Takes note with satisfaction_ of the fact that the Working Group has been informed of the release of some of the individuals whose situation has been brought to its attention, while deploring the many cases which have not yet been resolved;

9. _Requests_ the Secretary-General:

(a) To extend his assistance to Governments expressing the wish to receive it, as well as to special rapporteurs and working groups, with a view to ensuring the promotion and observance of the guarantees relating to states of emergency that are laid down in the relevant international instruments;

(b) To ensure that the Working Group receives all necessary assistance, particularly with regard to the staffing and resources needed to continue to discharge its mandate, especially in respect of field missions;

10. _Requests_ the Working Group to submit to it, at its fifty-sixth session, a report on its activities and on the implementation of the present resolution and to include any suggestions and recommendations which would enable it to carry out its task in the best possible way and to continue its consultations to that end in the framework of its terms of reference;

11. _Decides_ to continue its consideration of this question at its fifty-sixth session under the relevant agenda item.

55th meeting
26 April 1999
[Adopted without a vote. See chap. XI.]

1999/38. Question of enforced or involuntary disappearances

The Commission on Human Rights,

Recalling its resolution 20 (XXXVI) of 29 February 1980, in which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, its resolution 1995/75 of 8 March 1995 on cooperation with representatives of United Nations human rights organs, and its resolution 1998/40 of 17 April 1998,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States, and Assembly resolutions 51/94 of 12 December 1996 and 53/150 of 9 December 1998,

Deeply concerned, in particular, by the increase in enforced or involuntary disappearances in various regions of the world and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Emphasizing that impunity is simultaneously one of the underlying causes of enforced disappearances and one of the major obstacles to the elucidation of cases thereof,

1. Takes note of the report submitted by the Working Group on Enforced or Involuntary Disappearances pursuant to Commission resolution 1998/40 (E/CN.4/1999/62 and Add.1-2);

2. Welcomes the work of the Working Group and encourages it, in the execution of its mandate:

(a) To continue to promote communication between families of disappeared persons and the Governments concerned with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertain whether such information falls under its mandate and contains the required elements;

(b) To continue to observe, in its humanitarian task, United Nations standards and practices regarding the handling of communications and the consideration of government replies;

(c) To continue to consider the question of impunity in the light of the relevant provisions of the Declaration on the Protection of All Persons from Enforced Disappearance and of the final reports submitted by the Special Rapporteur appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

(d) To continue to pay particular attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned in searching for and identifying these children;

(e) To pay particular attention to cases transmitted to it that refer to ill-treatment, serious threatening or intimidation of witnesses of enforced or involuntary disappearances or relatives of disappeared persons;

(f) To pay particular attention to cases of disappearance of persons working for the promotion and protection of human rights and fundamental freedoms, wherever they occur, and to make appropriate recommendations for preventing such disappearances and improving the protection of such persons;

(g) To continue to apply a gender perspective in its reporting process, including in information collection and the formulation of recommendations;

(h) To provide appropriate assistance in the implementation by States of the Declaration and of the existing international rules;

(i) To continue its deliberations on its working methods and to include these aspects in its report to the Commission at its fifty-sixth session;

3. Deplores the fact that some Governments have never provided substantive replies concerning the cases of enforced disappearances in their countries or acted on the recommendations concerning them made in the reports of the Working Group;

4. Urges the Governments concerned:

(a) To cooperate with the Working Group and help it to carry out its mandate effectively, in particular by inviting it freely to visit their countries;

(b) To intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

(c) To take steps to protect witnesses of enforced or involuntary disappearances and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

(d) That have long had many unresolved cases of disappearances, to continue their efforts to shed light on the fate of the individuals concerned and to set in train with the families of those individuals appropriate settlement machinery;

(e) To make provision in their legal systems for machinery for victims of enforced or involuntary disappearances or their families to seek fair and adequate reparation;

5. Reminds Governments:

(a) That all acts of enforced or involuntary disappearance are crimes punishable by appropriate penalties which should take due account of their extreme seriousness under penal law;

(b) Of the need to ensure that their competent authorities proceed immediately to conduct impartial inquiries in all circumstances where there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

(c) That, if such belief is borne out, all the perpetrators of enforced or involuntary disappearances must be prosecuted;

(d) That impunity is simultaneously one of the underlying causes of enforced disappearances and one of the major obstacles to the elucidation of cases thereof;

6. *Expresses*:

(a) Its thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Working Group's recommendations and invites them to inform the Working Group of any action they take on those recommendations;

(b) Its commendation of the efforts by Governments which investigate, or develop appropriate mechanisms to investigate, any cases of enforced disappearance which are brought to their attention and encourages all the Governments concerned to expand their efforts in this area;

7. *Invites* States to take legislative, administrative, legal and other steps, including when a state of emergency has been declared, to take action at the national and regional levels and in cooperation with the United Nations, if appropriate through technical assistance, and to provide the Working Group with concrete information on the measures taken and the obstacles encountered in preventing enforced, involuntary or arbitrary disappearances and in giving effect to the principles set forth in the Declaration on the Protection of All Persons from Enforced Disappearance;

8. *Takes note* of the assistance provided to the Working Group by non-governmental organizations and their activities in support of the implementation of the Declaration and invites those organizations to continue their cooperation;

9. *Takes note* of the draft International Convention on the Protection of All Persons from Enforced Disappearance (E/CN.4/Sub.2/1998/19, annex) transmitted by the Sub-Commission in its resolution 1998/25 of 26 August 1998, and requests the Secretary-General to renew the invitation to States, international organizations and non-governmental organizations to submit their views and comments on this matter;

10. *Requests* the Working Group to report on its activities to the Commission at its fifty-sixth session;

11. *Requests* the Secretary-General:

(a) To ensure that the Working Group receives all the assistance and resources it requires to perform its function, including, *inter alia*, support for the principles of the Declaration on the Protection of All Persons from Enforced Disappearance, to carry out and follow up missions, to hold sessions in countries that would be prepared to receive it and to update the database on cases of enforced disappearance;

(b) To keep the Working Group and the Commission regularly informed of the steps he takes for the wide dissemination and promotion of the Declaration;

12. Decides to consider this matter at its fifty-sixth session under the same agenda item.

55th meeting
26 April 1999
[Adopted without a vote. See chap. XI.]

1999/39. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also General Assembly resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling further article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights and other relevant international provisions,

Reaffirming the call by the World Conference on Human Rights upon all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,

Alarmed that serious incidents of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious intolerance, occur in many parts of the world and threaten the enjoyment of human rights and fundamental freedoms,

Deeply concerned at the increase in violence and discrimination against religious minorities, including restrictive legislation and arbitrary application of legislative and other measures, *Emphasizing* that the right to freedom of thought, conscience, religion and belief is far-reaching and profound, and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

1. *Welcomes* the report of the Special Rapporteur on religious intolerance (E/CN.4/1999/58 and Add.1-2);

2. *Condemns* all forms of intolerance and of discrimination based on religion or belief;

3. *Encourages* the efforts made by the United Nations High Commissioner for Human Rights to coordinate in the field of human rights the activities of relevant United Nations organs, bodies and mechanisms dealing with all forms of intolerance and of discrimination based on religion or belief;

4. *Urges* States:

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without discrimination, *inter alia* by the provision of effective remedies in cases where the right to freedom of religion or belief, including the freedom to change one's religion or belief, is violated;

(b) To ensure, in particular, that no one within their jurisdiction is deprived of the right to life or the right to liberty and security of person because of religion or belief, or is subjected to torture or arbitrary arrest or detention on that account;

(c) In conformity with international standards of human rights, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, with particular regard to religious minorities, and also including practices which violate the human rights of women and discriminate against women;

(d) To recognize the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

(e) To ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate on the grounds of religion or belief;

(f) To exert utmost efforts, in accordance with their national legislation and in conformity with international human rights standards, to ensure that religious places, sites and shrines are fully respected and protected;

(g) To promote and encourage, through education and other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

5. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

6. *Encourages* the continuing efforts of the Special Rapporteur to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

7. *Invites* the Special Rapporteur to contribute effectively to the preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in 2001 by forwarding to the High Commissioner his recommendations on religious intolerance which have a bearing on the World Conference;

8. *Stresses* the need for the Special Rapporteur to apply a gender perspective, *inter alia* through the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations;

9. *Calls upon* all Governments to cooperate fully with the Special Rapporteur on religious intolerance, to respond favourably to requests from the Special Rapporteur to visit their countries and to give serious consideration to inviting the Special Rapporteur to visit so as to enable him to fulfil his mandate even more effectively;

10. *Welcomes* the work of the Special Rapporteur and reiterates the need for him to be able to respond effectively to credible and reliable information that comes before him, and invites him to continue to seek the views and comments of Governments concerned in the elaboration of his report, as well as to continue to carry out his work with discretion, objectivity and independence;

11. *Notes* the request of the Special Rapporteur to change his title from Special Rapporteur on religious intolerance to Special Rapporteur on freedom of religion or belief, and decides to consider, at its fifty-sixth session, changing the title;

12. *Recognizes* that the exercise of tolerance and non-discrimination by all actors in society is necessary for the full realization of the aims of the Declaration;

13. *Welcomes and encourages* the continuing efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration;

14. *Considers it desirable* to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and to continue the widest possible dissemination of the text of the Declaration, in as many different languages as possible, by United Nations information centres, as well as by other interested bodies;

15. *Requests* the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate, to submit an interim report to the General Assembly at its fifty-fourth session and to report to the Commission at its fifty-sixth session;

16. *Decides* to continue its consideration of the question at its fifty-sixth session under the same agenda item.

55th meeting
26 April 1999
[Adopted without a vote. See chap. XI.]

1999/40. *Traffic in women and girls*

The Commission on Human Rights,

Recalling all previous resolutions on the problem of the traffic in women and girls adopted by the General Assembly and the Commission on Human Rights, as well as the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

Reaffirming the provisions adopted by the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders pertaining to the traffic in women and children,

Stressing once again the urgent need to eliminate all forms of sexual violence and trafficking, including for prostitution, which are violations of the human rights of women and girls and are incompatible with the dignity and worth of the human person, through the adoption of effective measures nationally, regionally and internationally,

Welcoming the inclusion of gender-related crimes in the Rome Statute of the International Criminal Court (A/CONF.183/9), adopted on 17 July 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court,

Taking note of General Assembly resolution 53/111 of 9 December 1998 in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime, including if necessary the elaboration of an international instrument addressing trafficking in women and children,

Welcoming the work plan of the Office of the United Nations High Commissioner for Human Rights that will give priority attention in 1999 to the issue of the traffic in women and girls, particularly for purposes of sexual exploitation, *Acknowledging* the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1999/71 and Add.1), particularly the special focus on the sale and trafficking of children,

Welcoming bilateral and regional cooperation mechanisms and initiatives to address the problem of trafficking in women and girls, and taking note of the draft convention on preventing and combating trafficking in women and children for the purposes of prostitution of the South Asian Association for Regional Cooperation, as well as the establishment of the Association of Southeast Asian Nations Center for Combating Transnational Organized Crime,

Recognizing that global efforts, including international cooperation and technical assistance programmes, to eradicate trafficking in women and girls demand strong political commitment by and the active cooperation of all Governments of countries of origin, transit and destination,

Underlining the importance of systematic data collection in determining the extent and nature of the problem of trafficking in women and girls and the need for countries to establish or upgrade data banks to be able to understand better the magnitude of trafficking and the situation of victims,

Stressing the need for a global approach to eradicate trafficking in women and children and the importance, in this regard, of systematic data collection and comprehensive studies, including on the *modus operandi* of trafficking syndicates,

Acknowledging the work done by intergovernmental and non-governmental organizations in compiling information on the scale and complexity of the problem of trafficking, in providing shelter for trafficked women and children, and in effecting their voluntary repatriation to their countries of origin,

Noting with concern the increasing number of women and girl children from developing countries and from some economies in transition who are being trafficked to developed countries, as well as within and between regions and States, and acknowledging that the problem of trafficking also includes the victimizing of young boys,

Gravely concerned at the increasing activities of transnational criminal organizations and others that profit from international trafficking in women and children without regard to dangerous and inhumane conditions and in flagrant violation of domestic laws and international standards,

Deeply concerned about the unabated use of new information technologies, including the Internet, for purposes of prostitution, child pornography, paedophilia, trafficking in women as brides and sex tourism,

1. *Takes note with appreciation* of the note by the Secretary-General (E/CN.4/1999/66) drawing the attention of the Commission to his report to the General Assembly on trafficking in women and girls (A/53/409);

2. *Welcomes* national, regional and international efforts to implement the recommendations of the World Congress against Commercial Sexual Exploitation of Children, and calls upon Governments to take further measures in that regard;

3. *Calls upon* Governments of countries of origin, transit and destination and appropriate regional and international organizations to implement the Platform for Action of the Fourth World Conference on Women (A/CONF.177/20, chap. I, annex II) and the Vienna Declaration and Programme of Action of the World Conference on Human Rights (A/CONF.157/23);

4. *Urges* Governments to take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour, so as to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing perpetrators, through both criminal and civil measures;

5. *Invites* Governments to take steps to ensure for victims of trafficking the respect of all their human rights and fundamental freedoms;

6. *Calls upon* Governments to criminalize trafficking in women and girls in all its forms, to condemn and penalize all the offenders involved, including intermediaries, whether their offence was committed in their own or in a foreign country, while ensuring that the victims of those practices are not penalized, and to penalize persons in authority found guilty of sexually assaulting victims of trafficking in their custody;

7. *Encourages* Governments to conclude bilateral, subregional, regional and international agreements to address the problem of trafficking in women and girls;

8. *Also encourages* Governments in elaborating the draft convention against organized transnational crime, including the draft protocol to prevent, suppress and punish trafficking in women and children, to include fully a human rights perspective and to take into account work being done in other international forums, particularly the Commission on Human Rights Working Group on an optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

9. *Invites* Governments to encourage Internet service providers to adopt or strengthen self-regulatory measures to promote the responsible use of the Internet with a view to assisting in the elimination of trafficking in women and girls;

10. *Encourages* Governments, in cooperation with non-governmental organizations, to undertake campaigns aimed at clarifying opportunities, limitations and rights in the event of migration so as to enable women to make informed decisions and to prevent them from becoming victims of trafficking;

11. *Invites* Governments, with the support of the United Nations, to formulate manuals for the training of personnel who receive and/or hold in temporary custody victims of gender-based violence, including trafficking,

taking into account current research and data on traumatic stress and gender-sensitive counselling techniques, with a view to sensitizing them to the special needs of the victims;

12. Encourages relevant United Nations bodies and organizations, including the United Nations International Research and Training Institute for the Advancement of Women, the United Nations Development Fund for Women, the United Nations Children's Fund, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization, as well as the International Organization for Migration, to contribute to the preparation of guidelines for the use of Governments in the elaboration of their training manuals and in the preparation of educational and information programmes, in cooperation with relevant intergovernmental and non-governmental organizations;

13. Encourages the Office of the United Nations High Commissioner for Human Rights to continue to include the issue of traffic in women and girls in its programme of work under its advisory, training and information activities, with a view to providing assistance to Governments, upon their request, in instituting preventive measures against trafficking through education and appropriate information campaigns;

14. Calls upon concerned Governments to allocate resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and health care and by taking measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims;

15. Invites relevant intergovernmental and non-governmental organizations to provide advisory services to Governments, upon their request, in planning and setting up rehabilitation programmes for victims of trafficking and in training personnel who will be directly involved in the implementation of those programmes;

16. Encourages Governments to strengthen cooperation to combat trafficking and rehabilitate victims, including through, inter alia:

(a) Technical cooperation to developing countries requesting assistance;

(b) Sharing of experience, best practices and lessons learned;

(c) Consultation mechanisms, such as the regional consultation process organized in cooperation with the International Organization for Migration;

17. Invites the Special Rapporteur on violence against women, its causes and consequences, and the Special Rapporteur on the sale of children, child prostitution and child pornography and the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue addressing, within their respective mandates, the problem of trafficking in women and girls as a priority concern and to recommend, in their reports, measures to combat such phenomena;

18. *Encourages* the Inter-Agency Committee on Women and Gender Equality to continue to address the issue as part of the integrated follow-up to the Fourth World Conference on Women;

19. *Requests* the Secretary-General to provide the Commission, at its fifty-sixth session, with a report on activities of United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls;

20. *Decides* to continue its consideration of this question at its fifty-sixth session under the appropriate agenda item.

55th meeting
26 April 1999
[Adopted without a vote. See chap. XII.]

1999/41. *Integrating the human rights of women throughout the United Nations system*

The Commission on Human Rights,

Reaffirming that the equal rights of women and men are enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments,

Recalling all previous resolutions on this subject,

Recalling also that, in the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights affirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and called for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity,

Emphasizing that all entities of the United Nations system should further mainstream a gender perspective at all levels,

Bearing in mind that the Fourth World Conference on Women, in the Beijing Platform for Action (A/CONF.177/20, chap. I, annex II), called upon all relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to give full, equal and sustained attention to the human rights of women in the exercise of their respective mandates,

Mindful of the twentieth anniversary, in 1999, of the Convention on the Elimination of All Forms of Discrimination against Women,

Emphasizing the pivotal role of the Commission on the Status of Women in promoting equality between women and men, and welcoming its agreed conclusions on the human rights of women and on the other critical areas of concern of the Platform for Action, *Acknowledging* the need to integrate further the human rights of women and a gender perspective into all aspects of the work of the Commission on Human Rights,

Acknowledging, furthermore, the need for a comprehensive and integrated approach to the promotion and protection of the human rights of women, which includes the integration of the human rights of women into the mainstream of United Nations activities system-wide,

Reaffirming the important role women's groups and non-governmental organizations play in promoting and protecting the human rights of women,

1. *Welcomes* the report of the Secretary-General (E/CN.4/1999/67 and Add.1);

2. *Welcomes* the adoption by the Commission on the Status of Women at its forty-third session of the text of the draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women and urges the early adoption of the Optional Protocol by the General Assembly;

3. *Encourages* the continued commitment of the United Nations High Commissioner for Human Rights to integrating the human rights of women throughout the United Nations system and, in this regard, welcomes efforts by the High Commissioner to finalize the mission statement on gender and the human rights of women;

4. *Also welcomes* agreed conclusions 1998/2 of 28 July 1998 adopted by the Economic and Social Council at its 1998 coordination segment on coordination of the policies and activities of the specialized agencies and other bodies of the United Nations system related to the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action, in particular section IV on the equal status and human rights of women;

5. *Emphasizes* that the goal of mainstreaming a gender perspective is to achieve gender equality and that this includes ensuring that all United Nations activities integrate the human rights of women, and to this end calls upon all relevant actors to implement the agreed conclusions 1997/2 of the Economic and Social Council on mainstreaming the gender perspective as well as the agreed conclusions 1998/2 on follow-up to and implementation of the Vienna Declaration and Programme of Action;

6. *Urges* the relevant organs, bodies and agencies of the United Nations system, including all human rights bodies, the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees to bear in mind, in the recruitment of staff, *inter alia*, the need for expertise in women's and girls' enjoyment of human rights;

7. *Emphasizes* the need for further activities in the United Nations system to strengthen expertise concerning the equal status and human rights of women through, *inter alia*, the provision of training on the human rights of women and on gender mainstreaming, including through gender impact analysis, to all United Nations personnel and officials at Headquarters and in the field, especially in field operations;

8. Recognizes that gender mainstreaming will strongly benefit from the enhanced and full participation of women, including at the higher levels of decision-making in the United Nations system, and in this regard strongly encourages Member States to promote gender balance by, inter alia, regularly nominating more women candidates for election to the human rights treaty bodies and for appointment to United Nations bodies, the specialized agencies and other organs;

9. Encourages United Nations bodies and agencies to increase cooperation with other organizations in developing activities to address, within their respective mandates, violations of the human rights of women and to promote the full enjoyment of all human rights and fundamental freedoms by women, including by developing activities with other organizations;

10. Welcomes the cooperation and coordination between the Division for the Advancement of Women and the Office of the High Commissioner for Human Rights aimed at mainstreaming women's human rights, such as the joint work plan (E/CN.6/1999/2), and requests that this plan continue to reflect all aspects of work under way and identify where obstacles/impediments exist and areas for further collaboration, and that it be made available to the Commission on Human Rights at its fifty-sixth session and to the Commission on the Status of Women at its forty-fourth session;

11. Calls for further strengthening of cooperation and coordination between the Commission on Human Rights and the Commission on the Status of Women and between the Office of the High Commissioner for Human Rights and the Division for the Advancement of Women in order to promote more effectively women's human rights;

12. Draws the attention of the special rapporteurs/representatives, other human rights mechanisms of the Commission on Human Rights, as well as the human rights treaty bodies, to the comprehensive review and appraisal of the Beijing Platform for Action, which will take place at a special session of the General Assembly in June 2000, encourages them to contribute to the review process and encourages the Commission on the Status of Women, acting as the preparatory committee for the special session, to invite, as appropriate, the mechanisms and the chairpersons of the treaty bodies to participate in the special session;

13. Requests all human rights treaty bodies, special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities regularly and systematically to take a gender perspective into account in the implementation of their mandates, and to include in their reports information on and qualitative analysis of human rights of women and girls, and encourages the strengthening of cooperation and coordination in this regard;

14. Recalls the paper prepared for the meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme held from 28 to 30 May 1996 (E/CN.4/1997/3, annex) and the description therein of gender-specific analysis and reporting as an examination of the effects of gender on the form which a human rights violation takes, the circumstances in which a particular violation occurs, the

consequences for the victim and the availability and accessibility of remedies, and urges the implementation of the recommendations pertaining to working methods and reporting methodology, including sources of information and gender-specific analysis in conclusions and recommendations;

15. Draws attention to the need to develop practical strategies to implement the recommendations contained in the report of the expert group meeting on the development of guidelines for the integration of a gender perspective into human rights activities and programmes (E/CN.4/1996/105, annex) and, in this regard, welcomes the organization of another such meeting in 1999 to evaluate measures taken and any obstacles to implementation of the guidelines, including assessing possible new strategies to implement them;

16. Takes note with appreciation of the request made by the Economic and Social Council in its agreed conclusions 1998/2 that the Commission make explicit the integration of a gender perspective when establishing or renewing human rights mandates;

17. Encourages the use of gender-inclusive language in the formulation, interpretation and application of human rights instruments, as well as in reports, resolutions and/or decisions of the Commission, the Sub-Commission and the various human rights mechanisms, and requests the Office of the United Nations High Commissioner for Human Rights to utilize gender-inclusive language in the preparation of all of its communications, reports and publications;

18. Encourages the efforts of the treaty bodies to monitor more effectively the human rights of women in their activities, and reaffirms that it is the responsibility of all treaty bodies, in their work, to integrate a gender perspective, bearing in mind the need:

(a) To develop gender-sensitive guidelines to be used in the review of States parties' reports;

(b) To develop, as a matter of priority, a common strategy towards mainstreaming the human rights of women into their work, so that each body, within its mandate, monitors the human rights of women;

(c) To incorporate a gender analysis and regularly exchange information in the development of general comments and recommendations, with a view to the preparation of general comments which reflect a gender perspective;

(d) To incorporate a gender perspective in concluding observations so that the concluding observations of each treaty body delineate the strengths and weaknesses of each State party insofar as enjoyment by women of the rights guaranteed by a particular treaty is concerned;

19. Welcomes the submission of reports by specialized agencies, at the invitation of the Committee on the Elimination of Discrimination against Women, on the implementation of the Convention in areas falling within the scope of their activities and the contribution of non-governmental organizations to the work of the Committee;

20. Encourages all entities of the United Nations system to pay systematic, increased and sustained attention to the recommendations of the Committee, in order to ensure that its concluding observations and general recommendations are better utilized in their respective work;

21. Urges all States that have not yet ratified or acceded to the Convention on the Elimination of All Forms of Discrimination against Women to do so as soon as possible so that universal ratification of the Convention can be achieved by the year 2000, and encourages early signature and ratification of the Optional Protocol to the Convention once it is adopted by the General Assembly;

22. Urges States to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women, to formulate any such reservations as precisely and as narrowly as possible, to ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law and regularly to review them with a view to withdrawing them, and withdraw reservations that are contrary to the object and purpose of the Convention or which are otherwise incompatible with international treaty law;

23. Urges States that have ratified or acceded to the Convention to take action to implement the Convention fully and to take account of the recommendations of the Committee on the Elimination of Discrimination against Women in this regard;

24. Requests the Secretary-General to report, at its fifty-sixth session, on the implementation of the present resolution;

25. Expresses its determination to integrate a gender perspective into all agenda items of the Commission;

26. Decides to continue its consideration of the question at its fifty-sixth session.

55th meeting
26 April 1999
[Adopted without a vote. See chap. XII.]

1999/42. Elimination of violence against women

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women,

Recalling its resolutions 1994/45 of 4 March 1994, in which it decided to appoint a special rapporteur on violence against women, its causes and consequences, and 1997/44 of 11 April 1997, in which that mandate was renewed, Welcoming the adoption by the General Assembly, in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women, which recognizes that violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, and expresses concern about the long-standing failure to protect and promote these rights and freedoms in relation to violence against women,

Stressing that the implementation of the Convention on the Elimination of All Forms of Discrimination against Women will contribute to the elimination of violence against women and that the implementation of the Declaration on the Elimination of Violence against Women strengthens and complements this process, and welcoming the Beijing Declaration and Platform for Action of the Fourth World Conference on Women (A/CONF.177/20, chap. I) and follow-up action such as the agreed conclusions adopted by the Commission on the Status of Women on violence against women and on the other critical areas of concern identified in the Platform for Action,

Recalling that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23) affirmed that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated,

Concerned that violence against women in the family occurs within the context of de jure and de facto discrimination against women and the lower status accorded to women in the family, the workplace, the community and society, and is exacerbated by the obstacles women often face in seeking remedies from the State,

Reaffirming that traditional or customary practices affecting the health of women and girls constitute a definite form of violence against them and a serious violation of their human rights,

Deeply concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, the girl child, women with disabilities, elderly women and women in situations of armed conflict, are especially targeted and vulnerable to violence,

Reiterating that acts of sexual violence in situations of armed conflict constitute grave breaches of international humanitarian law,

Noting with appreciation the Special Rapporteur's participation at the twentieth session of the Committee on the Elimination of Discrimination against Women,

Bearing in mind that the Vienna Declaration and Programme of Action calls for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity, stresses the importance of working towards the elimination of violence against women in public and private life, and urges the eradication of all forms of discrimination against women,

1. _Welcomes_ the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1999/68 and Add.1-4), and encourages her in her future work;

2. _Commends_ the Special Rapporteur for her analysis of violence in the family, violence in the community and violence as perpetrated and/or condoned by the State;

3. _Condemns_ all acts of gender-based violence against women and in this regard calls, in accordance with the Declaration on the Elimination of Violence against Women, for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State, by private persons or by armed groups or warring factions, and to provide access to just and effective remedies and specialized, including medical, assistance to victims;

4. _Strongly condemns_ physical, sexual and psychological violence occurring in the family, which encompasses, but is not limited to, battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

5. _Also condemns_ all violations of the human rights of women in situations of armed conflict, recognizes them to be violations of international human rights and humanitarian law and calls for an effective response to violations of this kind;

6. _Welcomes_ the inclusion of gender-related crimes in the Rome Statute of the International Criminal Court (A/CONF.183/9), which affirms that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and any other forms of sexual violence constitute, in defined circumstances, a crime against humanity and a war crime;

7. _Requests_ all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all information requested and to respond to the Special Rapporteur's visits and communications;

8. _Welcomes_ the efforts of the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and consequences, in particular, where appropriate, by sending joint urgent appeals and communications with other special rapporteurs;

9. _Also welcomes_ the efforts of those special rapporteurs, special representatives and independent experts who have considered the issue of violence against women and encourages any other relevant United Nations mechanisms to give consideration to this issue in the implementation of their mandates;

10. Requests human rights treaty bodies, other special rapporteurs responsible for various human rights questions, United Nations bodies and organs, specialized agencies and intergovernmental and non-governmental organizations, including women's organizations, to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, and in particular to respond to her requests for information on violence against women, its causes and consequences;

11. Recalls the report of the Special Rapporteur to the Commission at its fifty-second session (E/CN.4/1996/53 and Add.2) which, inter alia, contained general and specific recommendations to guide State action with respect to violence against women in the family, and invites States to give due regard to those recommendations;

12. Stresses the conclusions and recommendations of the Special Rapporteur that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent all forms of violence against women, and calls upon States:

(a) To apply international human rights norms and to ratify and/or implement fully international human rights instruments that relate to violence against women;

(b) To include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments gender-disaggregated data and, whenever possible, information pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women and the Beijing Platform for Action;

(c) To condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence;

(d) To enact and, where necessary, reinforce or amend penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, in custody or in situations of armed conflict, and to ensure that they conform with relevant international human rights instruments and humanitarian law;

(e) In this context, to take action to investigate and punish persons who perpetrate acts of violence against women;

(f) To consider undertaking comprehensive, objective and easily accessible information campaigns about violence against women;

(g) To establish and/or strengthen, at the national level, collaborative relationships with relevant non-governmental and community-based organizations, and with public and private sector institutions, aimed at the development and effective implementation of provisions and policies relating to violence against women, including in the area of support services to respond to the needs of women and girl survivors of violence and to assist them in their full recovery and reintegration into society;

(h) To create, improve or develop, as appropriate, and fund training programmes, taking into account, inter alia, gender-disaggregated data on the causes and effects of violence against women, for judicial, legal, medical, social, educational, police, correctional service, military, peacekeeping and immigration personnel, in order to avoid the abuse of power leading to violence against women and to sensitize such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be ensured;

(i) To sensitize all persons, men and women, to the causes and effects of violence against women and to highlight men's role in its prevention and elimination, to encourage and support men's initiatives to complement the efforts of women's organizations in this regard, and to encourage behavioural change by perpetrators of violence against women;

13. Reminds Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination against Women must be implemented fully with regard to violence against women, taking into account General Recommendation No. 19, adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session, and calls upon those States which are still not parties to the Convention to work actively towards ratification of or accession to it so that universal ratification can be achieved by the year 2000;

14. Calls upon States to eradicate traditional or customary practices affecting the health of women and girls through, in addition to national legislation and policies prohibiting such practices, appropriate measures against those responsible and the promotion of awareness, education and training;

15. Welcomes the Global Campaign to end violence against women;

16. Requests Governments to support initiatives of women's organizations and non-governmental organizations all over the world to raise awareness of the issue of violence against women and to contribute to its elimination;

17. Renews its request to the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

18. Invites the Special Rapporteur to continue to cooperate with other special rapporteurs, special representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission, including, where appropriate, undertaking joint missions and writing joint reports;

19. *Requests* the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women at its forty-fourth session, as well as to the attention of the Committee on the Elimination of Discrimination against Women;

20. *Decides* to continue consideration of the question as a matter of high priority at its fifty-sixth session.

55th meeting
26 April 1999
[Adopted without a vote. See chap. XII.]

1999/43. Abduction of children from northern Uganda

The Commission on Human Rights,

Recalling its resolution 1998/75 of 22 April 1998,

Recalling the principles set out in the Universal Declaration of Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights,

Recalling also the findings and recommendations presented in the final report of the expert appointed by the Secretary-General on the impact of armed conflict on children (see A/51/306 and Add.1),

Recalling further the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993 (A/CONF.157/23), which expressed concern about violations of human rights during armed conflicts affecting the civilian population, especially women, children, the elderly and the disabled,

Recalling the obligation of States parties to respect and strictly observe international humanitarian law in accordance with the Geneva Conventions of 12 August 1949 for the protection of war victims, the Additional Protocols thereto of 1977 and other principles of international law,

Acknowledging the concern expressed in the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.80) about the abduction, killing and torture of children, as well as the recruitment of children as child soldiers, in northern Uganda,

Recognizing the urgent need for the adoption of effective measures, nationally, regionally and internationally, to protect the civilian population, especially women and children, in northern Uganda from the effects of armed conflict, Expressing profound concern at the continuing abduction, torture, detention, rape, enslavement and forced recruitment of children from northern Uganda,

1. Takes note of the report of the Secretary-General (E/CN.4/1999/69 and Corr.1);

2. Also takes note of the findings and recommendations contained in the reports issued in 1997 by United Nations bodies and organizations and non-governmental organizations on the abduction of children from northern Uganda;

3. Concurs with the comments of the Committee on the Rights of the Child on the involvement of children in the conflict in northern Uganda, in particular the recommendation on measures to stop the killing and abduction of children and the use of children as child soldiers;

4. Condemns in the strongest terms all parties involved in the abduction, torture, killing, rape, enslavement and forcible recruitment of children in northern Uganda, particularly by the Lord's Resistance Army;

5. Demands the immediate cessation of all abductions and attacks on all civilian populations, in particular women and children, in northern Uganda by the Lord's Resistance Army;

6. Calls for the immediate and unconditional release and safe return of all abducted children currently held by the Lord's Resistance Army;

7. Requests the United Nations Voluntary Fund for Victims of Torture, established by the General Assembly by its resolution 36/151 of 16 December 1981, to provide assistance to the victims and their families suffering from the effects of torture inflicted by the Lord's Resistance Army;

8. Urges all Member States, international organizations, humanitarian bodies and all other concerned parties with any influence on the Lord's Resistance Army to exert all possible pressure on it to release, immediately and unconditionally, all children from northern Uganda;

9. Demands that all parties external to the conflict in northern Uganda supporting, directly or indirectly, the continuing abduction and detention of children by the Lord's Resistance Army cease immediately all such assistance and collaboration;

10. Calls upon Member States to undertake to respect and ensure respect for the rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child;

11. Requests once again the Special Representative of the Secretary-General on the impact of armed conflict on children, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the Office of the United Nations High Commissioner for Human Rights and all relevant organizations, agencies and bodies of the United Nations system to address this situation as a matter of priority;

12. Requests the Secretary-General to report on the implementation of the present resolution to the Commission on Human Rights at its fifty-sixth session;

13. Decides to continue its consideration of this question at its fifty-sixth session under the same agenda item.

55th meeting
26 April 1999
[Adopted by a roll-call vote of 28 votes to 1, with 24 abstentions. See chap. XIII.]

1999/44. Human rights of migrants

The Commission on Human Rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming that every State party to the International Covenant on Civil and Political Rights must ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in that Covenant,

Reaffirming also that every State party to the International Covenant on Economic, Social and Cultural Rights must undertake to guarantee that the rights enunciated in that Covenant will be exercised without discrimination of any kind, including on the basis of national origin,

Taking note of the large and increasing number of migrants in the world,

Deeply concerned at the manifestations of racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrants in different parts of the world,

Bearing in mind the situation of vulnerability in which migrants frequently find themselves, owing, among other things, to their absence from their State of origin and to the difficulties they encounter because of differences of language, custom and culture, as well as the economic and social difficulties and obstacles for the return of migrants who are non-documented or in an irregular situation to their States of origin,

Bearing also in mind the need for a focused and consistent approach towards migrants as a specific vulnerable group, particularly women and children migrants,

Encouraged by the increasing interest of the international community in the effective and full protection of the human rights of all migrants, Recalling its resolutions 1998/16 of 9 April 1998 and 1997/15 of 3 April 1997 and its decision to reconvene the Working Group of intergovernmental experts on the human rights of migrants with the mandate to gather all relevant information on the obstacles existing to the effective and full protection of the human rights of migrants and to elaborate recommendations on strengthening the promotion, protection and implementation of the human rights of migrants,

Having examined the report of the Working Group of intergovernmental experts on the human rights of migrants (E/CN.4/1999/80),

Taking note with appreciation of the recommendations of the Working Group,

Resolved to ensure respect for the human rights and fundamental freedoms of all migrants,

1. Acknowledges that the principles and standards embodied in the Universal Declaration of Human Rights apply to everyone, including migrants;

2. Requests States, in conformity with their respective constitutional systems, the Universal Declaration of Human Rights and the international instruments to which they are party, which may include the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other applicable international human rights instruments, effectively to promote and protect the human rights of all migrants;

3. Decides to appoint, for a three-year period, a special rapporteur on the human rights of migrants to examine ways and means to overcome the obstacles existing to the full and effective protection of the human rights of this vulnerable group, including obstacles and difficulties for the return of migrants who are non-documented or in an irregular situation, with the following functions:

(a) To request and receive information from all relevant sources, including migrants themselves, on violations of the human rights of migrants and their families;

(b) To formulate appropriate recommendations to prevent and remedy violations of the human rights of migrants, wherever they may occur;

(c) To promote the effective application of relevant international norms and standards on the issue;

(d) To recommend actions and measures applicable at the national, regional and international levels to eliminate violations of the human rights of migrants;

(e) To take into account a gender perspective when requesting and analysing information, as well as to give special attention to the occurrence of multiple discrimination and violence against migrant women;

4. Requests the Special Rapporteur, in carrying out his/her mandate, to give careful consideration to the various recommendations of the Working Group of intergovernmental experts aimed at the promotion and protection of the human rights of migrants, and to take into consideration relevant human rights instruments of the United Nations to promote and protect the human rights of migrants;

5. Invites the Special Rapporteur, in carrying out this mandate and within the framework of the Universal Declaration of Human Rights and all other international instruments, to request, receive and exchange information on violations of the human rights of migrants from Governments, treaty bodies, specialized agencies, special rapporteurs for various human rights questions and from intergovernmental organizations, other competent organizations of the United Nations system and non-governmental organizations, including migrants' organizations, and to respond effectively to such information;

6. Requests the Special Rapporteur, in carrying out his/her mandate, to take into account bilateral and regional negotiations which aim at addressing, inter alia, the return and reinsertion of migrants who are non-documented or in an irregular situation;

7. Requests the Chairman of the Commission, after consultations with the other members of the Bureau, to appoint as Special Rapporteur an individual of recognized international standing and experience in addressing the human rights of migrants;

8. Requests all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated and to furnish all information requested, including by reacting promptly to his/her urgent appeals;

9. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him/her to fulfil the mandate effectively;

10. Invites the Special Rapporteur to contribute to the preparatory committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, within the framework of the objectives of the Conference, including by identifying major issues to be considered by the Conference;

11. Requests the Special Rapporteur to submit a report on his/her activities to the Commission at its fifty-sixth session;

12. Requests the Secretary-General to give the Special Rapporteur all necessary human and financial assistance for the fulfilment of his/her mandate;

13. _Decides_ to examine this question further, as a matter of priority, at its fifty-sixth session under the same agenda item.

56th meeting
27 April 1999
[Adopted without a vote. See chap. XIV.]

1999/45. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and standards established within the framework of the International Labour Organization and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various United Nations bodies,

Concerned at the situation of migrant workers and members of their families and at the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia taking place in segments of many societies and perpetrated by individuals or groups against migrant workers,

Recalling General Assembly resolution 45/158 of 18 December 1990, by which the Assembly adopted and opened for signature, ratification and accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, contained in the annex to the resolution,

Considering that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23) urges all States to guarantee the protection of all migrant workers and their families and invites them to consider the possibility of signing and ratifying the Convention at the earliest possible time,

1. _Expresses its deep concern_ at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrant workers in different parts of the world;

2. *Urges* countries of destination to review and adopt, as appropriate, measures to prevent the excessive use of force and to ensure that their police forces and competent migration authorities comply with the basic standards relating to the decent treatment of migrant workers and their families, *inter alia* through the organization of training courses on human rights;

3. *Takes note* of the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1999/77), and welcomes the fact that some additional Member States have recently signed, ratified or acceded to the Convention;

4. *Calls upon* all Member States to consider the possibility of signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that this international instrument will enter into force at an early date;

5. *Requests* the Secretary-General to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights;

6. *Welcomes* the launching of the global campaign for entry into force of the Convention, and invites organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to continue and intensify their efforts with a view to disseminating information on and promoting the Conventions;

7. *Requests* the Secretary-General to submit to the Commission at its fifty-sixth session a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers;

8. *Decides* to include in the provisional agenda of its fifty-sixth session the item entitled "Specific groups and individuals: migrant workers".

56th meeting
27 April 1999
[Adopted without a vote. See chap. XIV.]

1999/46. *Contemporary forms of slavery*

The Commission on Human Rights,

Gravely concerned at modern manifestations of slavery, the slave trade and slavery-like practices,

Recalling its previous resolutions on the subject, especially resolution 1997/20 of 11 April 1997, and taking note of relevant resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the subject, including 1997/22 of 27 August 1997 and 1998/19 of 21 August 1998,

Bearing in mind that no one shall be held in slavery or servitude, as provided in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 1949, as well as other provisions in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights prohibiting slavery or servitude,

Acknowledging that the Internet can be a valuable medium of communication but noting the necessity of paying particular attention to the use of the Internet to promote sexual exploitation and trafficking,

Reaffirming the necessity of examining the problem of allegations regarding the removal of organs and tissues of children and adults for commercial purposes, taking special account of information from the specialized agencies, in particular the Task Force on Organ Transplantation of the Advisory Committee on Health Research of the World Health Organization,

1. Welcomes the work of the Working Group on Contemporary Forms of Slavery and takes note of its recommendations made at its 1997 and 1998 sessions;

2. Expresses its grave concern at manifestations of contemporary forms of slavery, inter alia, those reported to and by the Working Group;

3. Notes that the Secretary-General has not yet received any information about the reliability of allegations regarding the removal of organs and tissues of children and adults and, in order to enable the Commission to examine this question, again requests the Secretary-General to seek information among relevant specialized agencies, working closely in particular with the Advisory Committee on Health Research of the World Health Organization and the International Criminal Police Organization, and to include an analysis of the information received in an updated report to be submitted to the Commission at its fifty-sixth session;

4. Calls upon States:

(a) To consider, in accordance with relevant provisions of international human rights instruments, as a matter of priority, reviewing, amending and enforcing existing laws or enacting new laws, with a view to preventing the use of, inter alia, the Internet for trafficking and sexual exploitation of women and children, as well as new levels of cooperation among Governments in this regard;

(b) To take appropriate action for the protection of particularly vulnerable groups, such as children and migrant women, against exploitation of the prostitution of others and other slavery-like practices, including the possible establishment of national bodies to achieve this objective;

(c) To consider developing national plans of action taking account, *inter alia*, of the Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1) adopted by the Commission in its resolution 1996/61 of 23 April 1996;

(d) To consider ratifying, if they have not yet done so, the pertinent international instruments relating to slavery, the slave trade and slavery-like practices;

5. *Once again requests* the Secretary-General:

(a) To designate the United Nations High Commissioner for Human Rights as the focal point for the coordination of activities and dissemination of information in the United Nations system on the suppression of contemporary forms of slavery;

(b) To give effect to his decision to reassign to the Working Group a Professional staff member of the Office of the United Nations High Commissioner for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity of the implementation of the resolutions of the Sub-Commission and the Commission and close coordination within and outside the Office on issues relating to contemporary forms of slavery;

(c) To transmit to Governments an appeal for contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery;

6. *Decides* to consider this question at its fifty-sixth session.

56th meeting
27 April 1999
[Adopted by a roll-call vote of 36 votes to none,
with 17 abstentions. See chap. XIV.]

1999/47. Internally displaced persons

The Commission on Human Rights,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world who receive inadequate protection and assistance, and conscious of the serious problem this is creating for the international community,

Conscious of the human rights and humanitarian dimensions of the problem of internally displaced persons and the responsibilities this poses for States and the international community to explore methods and means better to address their protection and assistance needs,

Recalling its previous relevant resolutions, in particular resolution 1998/50 of 17 April 1998, and those of the General Assembly, as well as the Vienna Declaration and Programme of Action (A/CONF.157/23), regarding the need to develop global strategies to address the problem of internal displacement, *Recalling in particular* Economic and Social Council agreed conclusions 1998/1 of 17 July 1998 on special economic, humanitarian and disaster relief assistance, in which the Council noted with satisfaction the designation of the Emergency Relief Coordinator as the focal point for inter-agency coordination of humanitarian assistance to internally displaced persons and also noted the adoption by the Inter-Agency Standing Committee of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex),

Recalling also that the Economic and Social Council in its agreed conclusions 1998/2 of 28 July 1998 on the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action commended the efforts of the Representative of the Secretary-General to promote a comprehensive strategy that focuses on prevention, as well as better protection, assistance and development for internally displaced persons,

Noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1998/26 of 26 August 1998 on housing and property restitution in the context of the return of refugees and internally displaced persons and encouraging it to continue its work on this matter,

Deploring practices of forced displacement, in particular "ethnic cleansing", and the negative impact they constitute for the enjoyment of fundamental human rights by large groups of populations,

Recalling the relevant norms of international human rights instruments, international humanitarian law and refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific rights for their protection, in particular through the Guiding Principles on Internal Displacement,

Noting the work of the Representative of the Secretary-General on internally displaced persons in developing a legal framework, in particular the compilation and analysis of legal norms and the development of guiding principles; analysing institutional arrangements; undertaking dialogue with Governments; and issuing a series of reports on particular country situations together with proposals for remedial measures,

Welcoming the cooperation established between the Representative of the Secretary-General and the United Nations as well as other international and regional organizations, in particular the participation of the Representative of the Secretary-General in the meetings of the Inter-Agency Standing Committee and its subsidiary bodies, and encouraging further strengthening of this collaboration in order to promote better assistance, protection and development strategies for internally displaced persons,

1. *Takes note with appreciation* of the report of the Representative of the Secretary-General on internally displaced persons (E/CN.4/1999/79 and Add.1-2);

2. Expresses its appreciation to the Representative of the Secretary-General for the activities undertaken so far, despite the limited resources available to him, and for the catalytic role he continues to play to raise the level of consciousness about the plight of internally displaced persons;

3. Also expresses its appreciation to those Governments and intergovernmental and non-governmental organizations which have provided assistance and protection to internally displaced persons and have supported the work of the Representative of the Secretary-General, urges them to continue to do so and calls upon others to provide support for the Representative;

4. Encourages the Representative of the Secretary-General through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned to continue his analysis of the causes of internal displacement, the needs of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for the internally displaced, taking into account specific situations;

5. Welcomes the fact that the Representative of the Secretary-General has made use of the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations, in particular in the framework of the seminars on displacement held in 1998 under the auspices of the Organization of African Unity, and requests him to continue his efforts in that regard;

6. Notes with appreciation that United Nations agencies, regional and non-governmental organizations are making use of the Guiding Principles in their work and encourages the further dissemination and application of the Guiding Principles;

7. Welcomes the specific attention paid by the Representative of the Secretary-General to the special assistance, protection and development needs of internally displaced women and children and encourages him to continue to draw attention to these needs;

8. Thanks Governments which have invited the Representative of the Secretary-General to visit their countries and encourages them to follow up on his recommendations and suggestions and to make available information on measures taken thereon;

9. Calls upon all Governments to facilitate the activities of the Representative of the Secretary-General, in particular those Governments with situations of internal displacement which have not yet extended invitations or responded positively to requests for information from the Representative;

10. Commends the Representative of the Secretary-General for his efforts to promote a comprehensive strategy that focuses on prevention, as well as better protection, assistance and development for internally displaced persons;

11. Welcomes the development of frameworks of cooperation to address the needs of internally displaced persons, in particular the designation of the Emergency Relief Coordinator as the focal point for inter-agency coordination of humanitarian assistance to internally displaced persons, the appointment of an adviser on internally displaced persons within the Office for the Coordination of Humanitarian Affairs and the designation of focal points on internally displaced persons within some of the other international organizations, and encourages the Representative of the Secretary-General, the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the Emergency Relief Coordinator and the Office for the Coordination of Humanitarian Affairs, the United Nations Development Programme, the United Nations Children's Fund, the World Food Programme, the World Health Organization, the International Organization for Migration, the International Committee of the Red Cross and all other relevant humanitarian assistance and development organizations further to enhance their collaboration;

12. Urges these organizations, especially through the Inter-Agency Standing Committee, to continue to focus on problems relating to protection, assistance and solutions for internally displaced persons;

13. Welcomes the efforts to establish a global information system on internally displaced persons, as advocated by the Representative of the Secretary-General, and encourages the members of the Inter-Agency Standing Committee to continue to collaborate in these efforts;

14. Also welcomes the initiatives undertaken by regional organizations, such as the Organization of African Unity, the Organization of American States and the Organization for Security and Cooperation in Europe, to address the assistance, protection and development needs of internally displaced persons and encourages them to strengthen their activities and their cooperation with the Representative of the Secretary-General;

15. Further welcomes the attention paid by relevant special rapporteurs, working groups, experts and treaty bodies to issues of internal displacement, and calls upon them to continue to seek information on situations which have already created or could create internal displacement and to include relevant information and recommendations thereon in their reports and make them available to the Representative of the Secretary-General;

16. Calls upon the United Nations High Commissioner for Human Rights to develop projects, in cooperation with Governments, relevant international organizations and the Representative of the Secretary-General, to promote the human rights of internally displaced persons, as part of the programme of advisory services and technical cooperation, and to include in her report to the Commission information on their implementation;

17. Requests the Secretary-General to provide his Representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the Representative of the Secretary-General to continue to seek the contribution of local, national and regional institutions;

18. *Requests* the Representative of the Secretary-General to continue to report on his activities to the General Assembly and to the Commission on Human Rights;

19. *Decides* to continue its consideration of the question of internal displacement at its fifty-sixth session.

56th meeting
27 April 1999
[Adopted without a vote. See chap. XIV.]

1999/48. *Rights of persons belonging to national or ethnic, religious and linguistic minorities*

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, as well as subsequent resolutions of the Assembly on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Acknowledging that national or ethnic, religious and linguistic minorities contribute to the diversity of societies and that minority rights promote tolerance within societies, and recognizing that promoting a culture of tolerance through human rights education shall be advanced by all States,

Concerned at the growing frequency and severity of disputes and conflicts regarding minorities in many countries, and their often tragic consequences, and that persons belonging to minorities are particularly vulnerable to displacement through, *inter alia*, population transfers, refugee flows and forced relocation,

Also concerned at instances of victimization or marginalization of persons belonging to minorities in situations of political or economic instability,

Recalling its resolution 1995/24 of 3 March 1995 authorizing the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to minorities, and Economic and Social Council decision 1998/246 of 30 July 1998 extending the mandate of the Working Group,

Taking note of Sub-Commission resolution 1998/24 of 26 August 1998,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities by, *inter alia*, taking due account of and giving effect to the Declaration,

1. Takes note of the report of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1999/113) and of the report of the Working Group on Minorities on its fourth session (E/CN.4/Sub.2/1998/18), in particular the conclusions and recommendations contained therein;

2. Reaffirms the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. Urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of the country;

4. Also urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration;

5. Recommends that the human rights treaty bodies, when considering reports submitted by States parties, give particular attention to the implementation of articles relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities;

6. Calls upon special representatives, special rapporteurs and working groups of the Commission to continue to give attention, within their respective mandates, to situations involving minorities;

7. Calls upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities, and to include in his report to its fifty-sixth session information on relevant projects and activities in this regard;

8. Calls upon the United Nations High Commissioner for Human Rights to continue to promote, within her mandate, the implementation of the Declaration and to engage in a dialogue with Governments concerned for that purpose;

9. Invites the High Commissioner to continue her efforts to improve the coordination and cooperation of United Nations programmes and agencies active in the field of the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities and invites the United Nations programmes and agencies to provide relevant information to her on their activities and programmes in the field of minority protection;

10. Takes note of the recommendations of the expert seminar on the role of the media in protecting minorities, held in conjunction with the fourth session of the Working Group on Minorities (E/CN.4/Sub.2/1998/18, annex I);

11. Requests the Working Group, within its mandate, to contribute to, and participate in, the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

12. Requests the Secretary-General to provide the Working Group, from within existing resources, with all the necessary services and facilities to fulfil its mandate;

13. Calls upon States, intergovernmental organizations, United Nations bodies and non-governmental organizations to participate actively in the work of the Working Group, including through written contributions;

14. Also calls upon States to facilitate the effective participation of representatives of non-governmental organizations and persons belonging to minorities in the work of the Working Group on Minorities and invites the High Commissioner for Human Rights to seek voluntary contributions in this regard;

15. Requests the Secretary-General to report to the Commission at its fifty-sixth session on the implementation of the present resolution;

16. Decides to continue its consideration of this question at its fifty-sixth session under the same agenda item.

56th meeting
27 April 1999
[Adopted without a vote. See chap. XIV.]

1999/49. The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS)

The Commission on Human Rights,

Recalling its resolution 1997/33 of 11 April 1997 and other relevant resolutions and decisions adopted by organizations of the United Nations system, as well as by other competent forums,

Welcoming the fact that many positive steps in implementing its previous resolutions have been taken, including the enactment of legislation in some countries to promote human rights in the context of HIV/AIDS and to prohibit discrimination against persons infected or presumed to be infected and members of vulnerable groups,

Encouraging the continuation of national, regional and international consultations in the field of HIV/AIDS and human rights,

Noting with concern that in 1998 virtually every country in the world had new cases of HIV infection and that, according to estimates by the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the World Health Organization, in 1998 the number of people living with HIV increased to 33.4 million, the number of people newly infected with HIV was 5.8 million and the number of people who died from AIDS was 2.5 million,

Noting with particular concern that, according to estimates by UNAIDS and the World Health Organization, more than 95 per cent of all people infected with HIV live in the developing world, which has also experienced 95 per cent of all deaths to date from AIDS, that this is largely due to the absence of access - in conditions of poverty, underdevelopment, conflict and other problems - to appropriate measures for prevention, treatment and care, and that implementation of effective strategies for prevention, treatment and care is critically needed,

Noting the devastating economic impact of HIV/AIDS, including increased mortality and morbidity among the working-age population, losses in family income, greater numbers of orphans and higher health and social costs,

Emphasizing, in view of the increasing challenges presented by HIV/AIDS, the need for intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all, to reduce vulnerability to HIV/AIDS and to prevent HIV/AIDS-related discrimination and stigma,

Concerned that lack of full enjoyment of human rights by persons suffering from economic, social or legal disadvantage heightens the vulnerability of such persons to the risk of HIV infection and to its impact, if infected,

Also concerned that, in many countries, many people infected and affected by HIV, as well as those presumed to be infected, continue to be discriminated against in law, policy and practice,

Welcoming the significant role of UNAIDS in cooperation with relevant bodies of the United Nations system, in particular the Office of the United Nations High Commissioner for Human Rights, and of national and international non-governmental organizations, in particular organizations of people living with HIV/AIDS, in promoting and protecting human rights in the context of HIV/AIDS, including fighting discrimination against people living with HIV/AIDS, and in the full range of prevention, treatment and care activities,

Reiterating that discrimination on the basis of HIV or AIDS status, actual or presumed, is prohibited by existing international human rights standards, and that the term "or other status" in non-discrimination provisions in international human rights texts should be interpreted to cover health status, including HIV/AIDS,

Welcoming the report of the Secretary-General on the protection of human rights in the context of the human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) (E/CN.4/1999/76), which provides an overview of the opinions of Governments, specialized agencies and international and non-governmental organizations on the Guidelines recommended by the experts participating in the Second International Consultation on HIV/AIDS and Human Rights (E/CN.4/1997/37, annex I), their dissemination and implementation, and which addresses the issue of technical cooperation for the promotion and protection of human rights in the context of HIV/AIDS,

1. Invites States, United Nations organs, programmes and specialized agencies and international and non-governmental organizations to continue to take all necessary steps to ensure the respect, protection and fulfilment of HIV-related human rights as contained in the Guidelines on HIV/AIDS and Human Rights and to contribute to international cooperation in the context of HIV/AIDS-related human rights, inter alia through the sharing of knowledge, experience and achievements concerning HIV-related issues;

2. Invites States to strengthen national mechanisms for protecting HIV/AIDS-related human rights and to take all necessary measures to eliminate stigmatization of and discrimination against those infected and affected by HIV/AIDS, especially for women, children and vulnerable groups, so that infected persons who reveal their HIV status, those presumed to be infected and other affected persons are protected from violence, stigmatization and other negative consequences;

3. Invites States, United Nations organs, programmes and specialized agencies and international and non-governmental organizations to assist developing countries, in particular the least developed countries and those in Africa, in their efforts to prevent the spread of the epidemic and alleviate and control the detrimental impact of HIV/AIDS on the human rights of their populations;

4. Urges States to ensure that their laws, policies and practices respect human rights in the context of HIV/AIDS, prohibit HIV/AIDS-related discrimination, promote effective programmes for the prevention of HIV/AIDS, including through education and awareness-raising campaigns and improved access to high-quality goods and services for preventing transmission of the virus, and promote effective programmes for the care and support of persons infected and affected by HIV, including through improved and equitable access to safe and effective medication for the treatment of HIV infection and HIV/AIDS-related illnesses;

5. Requests States to establish coordinated, participatory, transparent and accountable national policies and programmes for HIV/AIDS response and to translate national policies to district level and local action, involving in all phases of development and implementation non-governmental and community-based organizations and people living with HIV/AIDS;

6. Also requests States to develop and support services, including legal aid where appropriate, to educate people infected and affected by HIV/AIDS about their rights and to assist them in realizing their rights;

7. Further requests States to take all the necessary steps, including appropriate education, training and media programmes, to combat discrimination, prejudice and stigma, and to ensure the full enjoyment of civil, political, economic, social and cultural rights by people infected and affected by HIV/AIDS;

8. Requests States, in consultation with the relevant national professional bodies, to ensure that codes of professional conduct, responsibility and practice respect human rights and dignity in the context of HIV/AIDS, including access to care for people infected and affected by HIV/AIDS;

9. Also requests States to develop and support appropriate mechanisms to monitor and enforce HIV/AIDS-related human rights;

10. Invites the human rights treaty bodies, when considering reports submitted by States parties, to give particular attention to HIV/AIDS-related rights and invites States to include appropriate HIV/AIDS-related information in the reports they submit to the relevant treaty bodies;

11. Requests all special representatives, special rapporteurs and working groups of the Commission, inter alia the special rapporteurs on the right to education, on the promotion and protection of freedom of opinion and expression, on violence against women, its causes and consequences, and on the sale of children, child prostitution and child pornography, to integrate the protection of HIV-related human rights within their respective mandates;

12. Requests the Secretary-General to invite the United Nations organs and programmes, as well as the specialized agencies and Member States, to integrate HIV-related human rights into their policies, programmes and activities, including those involving regional intergovernmental human rights and other bodies, and to involve non-governmental and community-based organizations in all phases of development and implementation, to help ensure a system-wide approach, stressing the coordinating and catalytic role of UNAIDS;

13. Also requests the Secretary-General to solicit comments from Governments, United Nations organs, programmes and specialized agencies and international and non-governmental organizations on the steps they have taken to promote and implement, where applicable, the Guidelines on HIV/AIDS and human rights and the present resolution, and to submit, in consultation with interested parties, a progress report for consideration at its fifty-seventh session.

56th meeting
27 April 1999
[Adopted without a vote. See chap. XIV.]

1999/50. Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Commission on Human Rights,

Bearing in mind General Assembly resolution 47/75 of 14 December 1992 and Part II, paragraph 28, of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming its resolution 1995/32 of 3 March 1995, in which it established an open-ended inter-sessional Working Group with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Draft United Nations declaration on the rights of indigenous peoples", for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People,

Reaffirming in particular that the invitation contained in that resolution was addressed to organizations of indigenous people seeking authorization to participate in the Working Group,

Recognizing that organizations of indigenous people have special knowledge and understanding of the current situation of the world's indigenous people and their human rights needs,

Recalling General Assembly resolution 49/214 of 23 December 1994, in which the Assembly encouraged the Commission to consider the draft declaration with the participation of representatives of indigenous people, on the basis of and in accordance with appropriate procedures to be determined by the Commission,

Welcoming the progress made in the process of drafting a declaration on the rights of indigenous people, and emphasizing the importance and special nature of such a draft declaration as an instrument specifically for promoting the rights of indigenous people,

Recalling the need for the Working Group to consider all aspects of the draft declaration, including its scope of application,

1. Takes note of the report of the Working Group (E/CN.4/1999/82) and welcomes the continuation and positive nature of the deliberations of the Working Group, particularly the measures taken to ensure effective input by organizations of indigenous people;

2. Expresses its appreciation for the work of the Economic and Social Council in considering applications from organizations of indigenous people to participate in the Working Group under the procedures set out in the annex to Commission resolution 1995/32;

3. Welcomes the decisions of the Council approving the participation of organizations of indigenous people in the work of the Working Group, and

urges the Council to process all pending applications as soon as possible, taking strictly into account the procedures set out in the annex to Commission resolution 1995/32;

4. _Recommends_ that the Working Group meet for 10 working days prior to the fifty-sixth session of the Commission, the cost of the meeting to be met from within existing resources;

5. _Encourages_ organizations of indigenous people which are not already registered to participate in the Working Group and which wish to do so to apply for authorization in accordance with the procedures set out in the annex to Commission resolution 1995/32;

6. _Requests_ the Working Group to submit a progress report for consideration by the Commission at its fifty-sixth session under the agenda item entitled "Indigenous issues";

7. _Recommends_ the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 15.]

56th meeting
27 April 1999
[Adopted without a vote. See chap. XV.]

1999/51. _Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People_

The Commission on Human Rights,

Recalling its previous resolutions on the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People, in particular resolution 1997/32 of 11 April 1997,

Recalling also Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people,

Affirming its recognition of the value and diversity of the cultures and forms of social organization of indigenous people, and that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world, Recalling that the goal of the International Decade of the World's Indigenous People is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health, and that the theme of the Decade is "Indigenous people: partnership in action",

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade, the need for adequate financial support from the international community, including support from within the United Nations and the specialized agencies, and the need for adequate coordination and communication channels,

Mindful of the decision by the General Assembly in its resolution 49/214 of 23 December 1994 to observe the International Day of the World's Indigenous People on 9 August every year,

I.

Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

1. Takes note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its fiftieth session (E/CN.4/1999/4-E/CN.4/Sub.2/1998/45) and of the report of the Working Group on its sixteenth session (E/CN.4/Sub.2/1998/16);

2. Urges the Working Group to continue its comprehensive review of developments and of the diverse situations and aspirations of the world's indigenous people, and welcomes its proposal to highlight specific themes of the International Decade of the World's Indigenous People at its future sessions, noting that at its seventeenth session the Working Group will focus on the theme of "Indigenous peoples and their relationship to land";

3. Invites the Working Group to take into account in its deliberations on developments pertaining to the promotion and protection of the human rights of indigenous people the work, within the framework of their respective mandates, of all thematic special rapporteurs, special representatives, independent experts, working groups and expert seminars as it pertains to the situation of indigenous people;

4. Recommends that the Economic and Social Council authorize the Working Group to meet for five working days prior to the fifty-first session of the Sub-Commission;

5. Invites the Working Group to continue its consideration of ways in which the expertise of indigenous people can contribute to the work of the Working Group, and encourages initiatives by Governments, organizations of indigenous people and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group;

6. Requests the Secretary-General:

(a) To provide adequate resources and assistance to the Working Group in the discharge of its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work;

(b) To transmit the reports of the Working Group to Governments, organizations of indigenous people and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions;

7. Appeals to all Governments, organizations and individuals in a position to do so to consider contributing to the United Nations Voluntary Fund for Indigenous Populations;

II.

International Decade of the World's Indigenous People

8. Takes note of the report of the United Nations High Commissioner for Human Rights on the implementation of the programme of activities for the International Decade of the World's Indigenous People (E/CN.4/1999/81);

9. Invites the Working Group on Indigenous Populations to continue its review of activities undertaken during the Decade, and encourages Governments and intergovernmental and non-governmental organizations to provide information on the implementation of the goals of the Decade, in accordance with paragraph 16 of the annex to General Assembly resolution 50/157 of 21 December 1995;

10. Welcomes the affirmation by the General Assembly that a major objective of the Decade is the adoption of a declaration on the rights of indigenous people and its recognition that among the important objectives of the Decade is the consideration of the establishment of a permanent forum for indigenous people in the United Nations system;

11. Welcomes the invitation from the Government of Costa Rica to host a workshop for research and higher education institutions focusing on indigenous issues in education, taking into account the United Nations Decade for Human Rights Education and the priority given to education and language at the sixteenth session of the Working Group on Indigenous Populations, and recognizing the importance of strengthening the capacity of indigenous people to develop their own solutions to their problems, as recommended by the Commission in its resolution 1998/13 of 9 April 1998;

12. Requests the United Nations High Commissioner for Human Rights, in her capacity as coordinator of the Decade, to submit an updated annual report reviewing activities within the United Nations system under the programme of activities for the Decade to the Commission on Human Rights at its fifty-sixth session under the agenda item entitled "Indigenous issues", in accordance with the request by the General Assembly to the Secretary-General;

13. Also requests the High Commissioner, in her capacity as coordinator of the Decade:

(a) To submit to the General Assembly at its fifty-fourth session, in accordance with General Assembly resolution 50/157, a mid-term report reviewing the implementation of the programme of activities for the Decade, including identification of obstacles to the achievement of the goals of the Decade and recommendations for solutions to overcome those obstacles, and to submit a preliminary report on this matter to the Economic and Social Council at its 1999 substantive session;

(b) To take into account the views of Member States, specialized agencies, organizations of indigenous people and other interested bodies in the preparation of such a report;

14. Invites the Working Group to submit its views on the activities of the Decade to the High Commissioner;

15. Emphasizes the important role of international cooperation in promoting the goals and activities of the Decade and the rights, well-being and sustainable development of indigenous people;

16. Encourages Governments to support the Decade by contributing to the Voluntary Fund for the International Decade of the World's Indigenous People;

17. Also encourages Governments, as appropriate, recognizing the importance of action at the national level for the implementation of the goals and activities of the Decade, to support the Decade, in consultation with indigenous people, by:

(a) Preparing relevant programmes, plans and reports in relation to the Decade and establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

(b) Seeking means of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters which affect them;

(c) Identifying resources for activities designed to implement the goals of the Decade;

18. Appeals to intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people;

19. Encourages Governments to consider contributing, as appropriate, in support of the achievement of the goals of the Decade, to the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean;

20. Requests the High Commissioner to ensure that the indigenous people's unit in the Office of the High Commissioner is adequately staffed and resourced to enable the effective implementation of the activities of the Decade;

21. Recommends that the High Commissioner, when developing programmes within the framework of the International Decade of the World's Indigenous People and the United Nations Decade for Human Rights Education, give due regard to the development of human rights training for indigenous people;

22. Encourages the High Commissioner for Human Rights to cooperate with the Department of Public Information in preparing and disseminating information on the International Decade of the World's Indigenous People, taking due care to portray accurately the information regarding indigenous people;

23. Invites the United Nations financial and development institutions, operational programmes and specialized agencies, in accordance with the existing procedure of their governing bodies:

(a) To give increased priority and resources to improving the conditions of indigenous people, with particular emphasis on the needs of these people in developing countries, including through the preparation of specific programmes of action for the implementation of the goals of the Decade, within their areas of competence;

(b) To launch special projects, through appropriate channels and in collaboration with indigenous people, for strengthening their community-level initiatives, and to facilitate the exchange of information and expertise among indigenous people and other relevant experts;

(c) To designate focal points or other mechanisms for coordination with the High Commissioner for Human Rights of activities relating to the Decade;

24. Decides to consider the International Decade of the World's Indigenous People at its fifty-sixth session under the agenda item entitled "Indigenous issues".

56th meeting
27 April 1999
[Adopted without a vote. See chap. XV.]

1999/52. A permanent forum for indigenous people in the United Nations system

The Commission on Human Rights,

Recalling the recommendations pertaining to indigenous people included in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), in particular the recommendation that the establishment of a permanent forum for indigenous people in the United Nations system should be considered in the framework of the International Decade of the World's Indigenous People,

Noting the holding of two United Nations workshops on the subject matter, in Copenhagen from 26 to 28 June 1995 and in Santiago from 30 June to 2 July 1997, as well as a series of indigenous peoples' conferences on a permanent forum in 1997, 1998 and 1999,

Recognizing the growing interest and concern for indigenous issues in organizations and departments of the United Nations system, as documented in the report of the Secretary-General on the review of the existing mechanisms, procedures and programmes within the United Nations concerning indigenous people (A/51/493), and noting the need to ensure coordination and regular exchange of information among the concerned and interested parties - Governments, the United Nations and indigenous people - on an ongoing basis,

Bearing in mind its resolutions 1994/28 of 4 March 1994, 1995/30 of 3 March 1995, 1996/41 of 19 April 1996, 1997/30 of 11 April 1997 and 1998/20 of 9 April 1998, as well as General Assembly resolutions 49/214 of 23 December 1994, 50/157 of 21 December 1995, 51/78 of 12 December 1996, 52/108 of 12 December 1997, and 53/129 and 53/130 of 9 December 1998,

1. Notes that the General Assembly, in its resolution 53/129, reaffirmed among the objectives of the International Decade of the World's Indigenous People the consideration of the establishment of a permanent forum for indigenous people in the United Nations system, and urged Governments to participate actively in the open-ended inter-sessional ad hoc working group on a permanent forum for indigenous people established by the Commission in resolution 1998/20;

2. Welcomes the report of the Ad Hoc Working Group on a permanent forum for indigenous people (E/CN.4/1999/83) which met for five working days in Geneva from 15 to 19 February 1999 to elaborate and consider further proposals for the possible establishment of a permanent forum for indigenous people within the United Nations system;

3. Takes note of the constructive debate and dialogue which took place during the session of the Working Group, indicating a trend towards possible consensus with regard to the various aspects of the subject matter;

4. Decides to re-establish the open-ended inter-sessional ad hoc working group established in accordance with resolution 1998/20 to meet for eight working days prior to the fifty-sixth session of the Commission, and requests the Working Group to submit, with a view to completing its task, one or more concrete proposals on the establishment of a permanent forum for consideration by the Commission at that session;

5. Invites the Chairman-Rapporteur of the Working Group to submit a working paper to Member States and other participants in the ad hoc Working Group containing suggestions and possible alternatives on all aspects of this matter, based on the result of the debate of the previous session and further informal consultations, in preparation for the next session of the ad hoc Working Group;

6. Urges Governments, United Nations organizations and bodies, specialized agencies, organizations representing indigenous people and the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider this issue further and to express their views in preparation for the next meeting, and requests the Secretary-General to transmit the report of the Ad Hoc Working Group on a permanent forum for indigenous people to Governments, United Nations organizations and bodies, specialized agencies, organizations representing indigenous people and the Working Group on Indigenous Populations and to invite their comments in time for circulation prior to the next session of the Ad Hoc Working Group on a permanent forum for indigenous people;

7. Requests the Ad Hoc Working Group on a permanent forum for indigenous people to take into account in its work any comments received from Governments, United Nations organizations and bodies, specialized agencies, organizations representing indigenous people and the Working Group on Indigenous Populations, as well as such ideas as the United Nations High Commissioner for Human Rights, in her role as Coordinator for the Decade, may wish to present to the Ad Hoc Working Group on a permanent forum for indigenous people;

8. Decides to continue its consideration of this matter at its fifty-sixth session under the same agenda item.

56th meeting
27 April 1999
[Adopted without a vote. See chap. XV.]

1999/53. Forum on economic, social and cultural rights: the Social Forum

The Commission on Human Rights,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1998/14 of 20 August 1998,

Bearing in mind the fundamental role of the Sub-Commission in the defence of human rights and its specific mandate in the prevention of situations relating to the full enjoyment of those rights,

Decides that the Sub-Commission should further review, in the light of the ongoing discussions by the Commission on its working methods, the establishment of a forum on economic, social and cultural rights, to be called the Social Forum, to meet during its annual sessions with the following objectives:

(a) To exchange information on the enjoyment of economic, social and cultural rights and its relationship to the process of globalization;

(b) To follow up on the relationship between income distribution, the feminization of poverty and human rights at both the international and national levels;

(c) To follow up on situations of poverty and destitution in the world;

(d) To analyse and discuss possible guidelines on violations of economic, social and cultural rights;

(e) To propose legal standards and initiatives, guidelines and other recommendations to be considered by the Commission, the open-ended Working Group on the right to development established by the Commission at its fifty-fourth session, the Committee on Economic, Social and Cultural Rights, the specialized agencies and other entities of the United Nations system.

56th meeting
27 April 1999
[Adopted without a vote. See chap. XVI.]

1999/54. Strengthening of the Office of the United Nations High Commissioner for Human Rights

The Commission on Human Rights,

Recalling all relevant resolutions of the General Assembly and the Centre for Human Rights, in particular Assembly resolution 48/141 of 20 December 1993 and Commission resolutions 1997/76 of 18 April 1997 and 1998/83 of 24 April 1998,

Underscoring the importance of the Office of the United Nations High Commissioner for Human Rights for all States,

Reaffirming the universal support for the creation of the post of High Commissioner for Human Rights and affirming, in order to promote and protect human rights, the need for continuing support by all States for the Office of the United Nations High Commissioner for Human Rights,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Recalling that the mandate of the United Nations High Commissioner for Human Rights includes promotion and protection of the effective enjoyment by all of all civil, cultural, economic, political and social rights,

Recalling also that the mandate of the High Commissioner for Human Rights confers on her a central role in the realization of the right to development,

Recalling further that the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights (A/CONF.157/23) recognized the necessity for an adaptation and strengthening of United Nations human rights machinery in accordance with current and future needs in the promotion and protection of human rights, *Recognizing* the need for further and continued support and consideration of the programmes and activities of the Office of the High Commissioner,

1. *Welcomes* the report of the High Commissioner for Human Rights (E/CN.4/1999/9);

2. *Supports fully* the Secretary-General and the High Commissioner in their efforts to strengthen the human rights activities of the United Nations;

3. *Reaffirms* the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues, and requests the High Commissioner to continue to ensure that the fulfilment of her mandate and the activities of her Office are guided by these principles;

4. *Encourages* the High Commissioner, within her mandate as set out in General Assembly resolution 48/141, to continue to play an active role in promoting and protecting all human rights, including in the prevention of human rights violations throughout the world;

5. *Reiterates* the need to ensure that all necessary financial, material and personnel resources are provided from the regular budget of the United Nations without delay to the United Nations human rights programme to enable the Office of the High Commissioner to carry out its mandates efficiently, effectively and expeditiously;

6. *Welcomes* the increased voluntary contributions to the Office of the High Commissioner, in particular those from developing countries;

7. *Reaffirms* that the tasks of the High Commissioner include the promotion and protection of the realization of the right to development and that the Office of the High Commissioner should provide adequate resources and staff for its follow-up;

8. *Calls upon* the High Commissioner to continue to emphasize the promotion and protection of economic, social and cultural rights in the activities of her Office and in that regard encourages the High Commissioner to continue to strengthen her relationship with the appropriate bodies, funds and specialized organizations of the United Nations;

9. *Recommends* that the Economic and Social Council and the General Assembly provide the Office of the High Commissioner with ways and means commensurate to its increasing tasks, as well as more resources for special rapporteurs;

10. *Invites* all Governments considering voluntary contributions to the Office of the High Commissioner to consider providing unearmarked contributions to the extent possible with a view to treating all human rights in a fair and equal manner;

11. *Calls upon* the High Commissioner to continue to provide to States, through informal briefings as well as in her report to the Commission, information on voluntary contributions, including their share in the overall budget of the human rights programme and their allocation;

12. Declares that advisory services and technical cooperation provided at the request of Governments with a view to developing national capacities in the field of human rights constitute one of the most efficient and effective means of promoting and protecting all human rights and democracy;

13. Emphasizes the need for an increase in the allocation of resources from within the United Nations regular budget for advisory services and technical cooperation in the field of human rights;

14. Notes with interest the increase in the number of human rights field presences throughout the world and encourages the High Commissioner to consider their further improvement in cooperation with other relevant components of the United Nations system;

15. Welcomes the open-ended informal briefings provided by the Office of the United Nations High Commissioner for Human Rights and takes note with appreciation of these opportunities to discuss openly all aspects of the work of the Office while reiterating the need to analyse the effectiveness of field presences, and requests the High Commissioner to submit a separate report containing a comprehensive assessment of field presences to the Commission at its fifty-sixth session;

16. Invites the High Commissioner to continue to provide information on cooperation with other United Nations bodies and with Governments and invites her to make available information concerning agreements with States and other United Nations bodies and their implementation, in an open and transparent manner, as appropriate;

17. Calls upon the Office of the United Nations High Commissioner for Human Rights to seek ways and means by which voluntary funds can be used to provide support to all mechanisms of the Commission;

18. Invites the High Commissioner to submit information pursuant to the present resolution in her annual report to the Commission;

19. Decides to consider the implementation of the present resolution at its fifty-sixth session under the relevant agenda item.

56th meeting
27 April 1999
[Adopted without a vote. See chap. IV.]

1999/55. Situation in occupied Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right of self-determination,

Guided further by the provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23), and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also its previous resolutions in this regard, the latest of which is its resolution 1998/4 of 27 March 1998,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law,

1. *Reaffirms* the continuing and unqualified Palestinian right to self-determination, including the option of a State, and looks forward to the early fulfilment of this right;

2. *Requests* the Secretary-General to transmit the present resolution to the Government of Israel and all other Governments, to distribute it on the widest possible scale and to make available to the Commission on Human Rights, prior to the convening of its fifty-sixth session, all information pertaining to the implementation of the present resolution by the Government of Israel;

3. *Decides* to include in the provisional agenda of its fifty-sixth session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider the situation in occupied Palestine under that agenda item, as a matter of high priority.

56th meeting
27 April 1999
[Adopted by a roll-call vote of 44 votes to 1,
with 8 abstentions. See chap. V.]

1999/56. Situation of human rights in the Democratic Republic of the Congo

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, as well as to the African Charter on Human and Peoples' Rights,

Noting General Assembly resolution 53/160 of 9 December 1998 and recalling resolution 1998/61 of 21 April 1998, previous resolutions of the General Assembly and the Commission on the subject, as well as Security Council resolution 1234 (1999) of 9 April 1999,

Concerned at all violations of human rights and international humanitarian law in the territory of the Democratic Republic of the Congo, including acts of and incitement to ethnic hatred and violence by all parties to the conflict,

Taking into account the regional dimension of the human rights issues and stressing the importance of technical cooperation with a view to strengthening regional cooperation for the promotion and protection of human rights,

1. Welcomes:

(a) The report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (E/CN.4/1999/31) and of the update he provided in his oral presentation to the Commission on Human Rights;

(b) The recent visit of the Special Rapporteur to the Democratic Republic of the Congo at the invitation of the Government and the cooperation of the Government of the Democratic Republic of the Congo in this regard;

(c) The activities of the Human Rights Field Office in the Democratic Republic of the Congo;

(d) Commitments of the Government of the Democratic Republic of the Congo to a process of democratization, leading, through the creation of democratic institutions and the holding of elections, to the creation of a State based on the rule of law and respect for human rights;

(e) The intention of the Government of the Democratic Republic of the Congo to hold an all-inclusive national debate as a precursor to elections, and encourages further progress in this respect;

(f) The recognition by the authorities that massacres were committed against refugees and internally displaced persons in 1996 and 1997;

(g) The appointment of the Minister for Human Rights within the Government of the Democratic Republic of the Congo, and expresses the hope that this appointment will contribute to an improvement of the human rights situation;

(h) The release of a number of prisoners whose arrest was irregular or politically motivated, and certain improvements in the penitentiary system;

(i) The decision of the Government of the Democratic Republic of the Congo to establish a national commission of inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo (formerly Zaire) between 1996 and 1997 and the mandate of that commission to cooperate with the United Nations in this regard;

(j) The announcement by the Government of its intention to ratify Additional Protocol II to the Geneva Conventions of 12 August 1949, and international human rights treaties;

(k) The setting up of human rights education programmes for members of the military and the police, and the beginning of distribution of the Universal Declaration of Human Rights in national languages;

2. *Expresses its concern*:

(a) At the adverse impact of the continuing conflict on the situation of human rights and its severe consequences for the security and well-being of the civilian population throughout the territory of the Democratic Republic of the Congo;

(b) At the preoccupying situation of human rights in the Democratic Republic of the Congo, particularly in the eastern parts of the country, and the continuing violations of human rights and international humanitarian law committed throughout the territory of the Democratic Republic of the Congo, often with impunity, in particular:

- (i) The perpetration of massacres in the course of the conflicts, including more recently, in 1998, those in Kasika, Makobola, Kamituga, Kavumu, Kilungutwe, Kasanga, Kazima, Mboko, Kabare, Mwenga and Libenge;
- (ii) The occurrence of cases of summary or arbitrary executions, disappearances, torture, beatings, arbitrary arrest and detention without trial, including of journalists, opposition politicians and human rights defenders;
- (iii) Reports of sexual violence against women and children and the forcible recruitment and use of children as soldiers and combatants;

(iv) The trial of civilians and the imposition of the death penalty by the Military Court;

(v) The situation of human rights defenders;

(c) At the large numbers of refugees and displaced persons in the Democratic Republic of the Congo who disappeared between 1994 and 1997, as well as in 1998, and at serious allegations of killings and other human rights abuses in this connection;

(d) At the proliferation and the illicit distribution, circulation and trafficking of arms in the region and their negative impact on human rights;

3. Affirms that all persons who commit or authorize violations of human rights or international humanitarian law are individually responsible and accountable for those violations and that the international community will exert every effort to bring those responsible to justice;

4. Recognizes that promotion and protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the necessary environment for cooperation among States in the region;

5. Takes note with great concern of the report of the International Commission of Inquiry (Rwanda) on the sale, supply and shipment of arms and related material in the Great Lakes region of Central Africa (S/1998/1096, annex), and of the report of the Investigative Team of the Secretary-General charged with investigating serious violations of human rights and international humanitarian law in the Democratic Republic of the Congo (S/1998/581, annex);

6. Urges all parties to the continuing conflict in the Democratic Republic of the Congo:

(a) To work towards a rapid and peaceful settlement of the conflict and, in particular, to sign immediately a ceasefire agreement allowing the orderly withdrawal of all foreign forces and the re-establishment of the authority of the Government of the Democratic Republic of the Congo throughout its territory, and stresses, in the context of a lasting peaceful settlement, the need for the engagement of all Congolese in an all-inclusive process of political dialogue with a view to achieving national reconciliation and the holding, at an early date, of democratic, free and fair elections;

(b) To protect human rights and to respect international humanitarian law, in particular, as applicable to them, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977 and the Convention on the Prevention and Punishment of the Crime of Genocide, in particular to respect the rights of women and children and immediately stop the use of children as soldiers, and to ensure the safety of all civilians;

7. Welcomes the appointment by the Secretary-General of his Special Envoy for the Democratic Republic of the Congo Peace Process;

8. Calls upon the Government of the Democratic Republic of the Congo:

(a) To comply with its obligations under international human rights instruments to which the Democratic Republic of the Congo is a party and to promote and protect human rights and fundamental freedoms;

(b) To fulfil its responsibility to protect the human rights of the population on its territory, as well as to take a leading part in efforts to prevent conditions that might lead to further flows of internally displaced persons and refugees within the Democratic Republic of the Congo and across the border;

(c) To fulfil its commitment to reform and restore the judicial system, and particularly to reform military justice in conformity with the provisions of the International Covenant on Civil and Political Rights;

(d) To implement fully its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and all-inclusive and that fully reflects the aspirations of the people of the country;

(e) To prepare for the holding of free and fair elections, drawing, where appropriate, on assistance from the international community, and to allow without delay the full restoration of political party activity to provide a meaningful choice for the people of the Democratic Republic of the Congo;

(f) To remove remaining administrative restrictions on the activities of political parties, in furtherance of its recent move to lift the ban on the activities of political parties;

(g) To remove the restrictions that still affect the work of non-governmental organizations;

(h) To ensure further full respect for freedom of opinion and expression, including freedom of the press in relation to all types of mass media, as well as freedom of association and assembly, throughout the territory of the Democratic Republic of the Congo;

(i) To work closely and strengthen further its cooperation with the Human Rights Field Office in the Democratic Republic of the Congo;

(j) To cooperate fully with the International Tribunal for Rwanda in ensuring that all those responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are brought to justice in accordance with international principles of due process;

(k) To promote human rights awareness, including by strengthening cooperation with civil society including human rights non-governmental organizations;

(l) To follow up on the interim report on the alleged massacres of a large number of refugees and displaced persons in the Democratic Republic of the Congo (formerly Zaire) between 1994 and 1997 submitted to the

Secretary-General on 15 October 1998, to submit a further report as soon as possible to the Secretary-General on the progress of its investigations and to cooperate fully with the Secretary-General and the United Nations High Commissioner for Human Rights in addressing the allegations in question;

9. Decides:

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year, to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fourth session and to report to the Commission at its fifty-sixth session on the situation of human rights in the Democratic Republic of the Congo and on the possibilities for the international community to assist with local capacity-building, and also to request the Special Rapporteur to continue to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out, immediately after the signing of a ceasefire agreement or as soon as security considerations permit and, where appropriate, in cooperation with the National Commission of Inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo (formerly Zaire) between 1996 and 1997, a joint mission to investigate all massacres carried out on the territory of the Democratic Republic of the Congo, including those in the province of South Kivu and other atrocities as referred to in the report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, with a view to bringing to justice those responsible, and to report to the General Assembly at its fifty-fourth session and to the Commission at its fifty-sixth session;

(c) To request the Secretary-General to give all necessary assistance to the Special Rapporteur and to the joint mission, to enable them to discharge their mandates fully;

(d) To request the High Commissioner for Human Rights to provide appropriate technical expertise to enable the joint mission to fulfil its mandate;

(e) To request the international community to support the Human Rights Field Office in the Democratic Republic of the Congo in order, in particular:

(i) To strengthen its involvement in programmes of technical cooperation, advisory services and human rights advocacy programmes, including supporting efforts by the Government of the Democratic Republic of the Congo towards strengthening the judicial system;

(ii) To strengthen its support for, and to continue and expand cooperation with, human rights non-governmental organizations in the Democratic Republic of the Congo;

and to facilitate the activities of the joint mission, including through funding;

10. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 19.]

56th meeting
27 April 1999
[Adopted without a vote. See chap. IX.]

1999/57. Promotion of the right to democracy

The Commission on Human Rights,

Bearing in mind the indissoluble links between the principles enshrined in the Universal Declaration of Human Rights and the foundation of any democratic society,

Recalling that all peoples have the right of self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Recognizing that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Recognizing also the rich and diverse nature of the community of the world's democracies,

Recalling the large body of international law and instruments, including its resolutions and those of the General Assembly, which confirm the right to full participation and the other fundamental democratic rights and freedoms inherent in any democratic society,

Resolved, on the eve of a new century and millennium, to take all measures within its power to secure for all people the fundamental democratic rights and freedoms to which they are entitled,

1. Affirms that democracy fosters the full realization of all human rights, and vice versa;

2. Also affirms that the rights of democratic governance include, inter alia, the following:

(a) The rights to freedom of opinion and expression, of thought, conscience and religion, and of peaceful association and assembly;

(b) The right to freedom to seek, receive and impart information and ideas through any media;

(c) The rule of law, including legal protection of citizens' rights, interests and personal security, and fairness in the administration of justice and independence of the judiciary;

(d) The right of universal and equal suffrage, as well as free voting procedures and periodic and free elections;

(e) The right of political participation, including equal opportunity for all citizens to become candidates;

(f) Transparent and accountable government institutions;

(g) The right of citizens to choose their governmental system through constitutional or other democratic means;

(h) The right to equal access to public service in one's own country;

3. Notes that the realization of all human rights - civil, cultural, economic, political and social, including the right to development - are indispensable to human dignity and the full development of human potential and are also integral to democratic society;

4. Urges the continuation and expansion of activities carried out by the United Nations system, other intergovernmental and non-governmental organizations and Member States to promote and consolidate democracy within the framework of international cooperation and to build a democratic political culture through the observance of human rights, mobilization of civil society and other appropriate measures in support of democratic governance;

5. Requests the Office of the United Nations High Commissioner for Human Rights, in continuing and expanding its programmes and projects of technical cooperation to promote democracy and the rule of law, and in the context of the High Commissioner's activities in the promotion of human rights, to give priority assistance to such programmes and to promote democracy-related activities throughout the United Nations system;

6. Requests human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights and human rights mechanisms of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to pay due attention, within their mandates, to those elements of democratic governance outlined in paragraph 2 of the present resolution;

7. Requests the High Commissioner, in her report to the Commission at its fifty-sixth session, to reflect progress on the implementation of the present resolution;

8. Requests the Secretary-General to bring the present resolution to the attention of Member States, the competent United Nations organs and intergovernmental and non-governmental organizations and to disseminate it on the widest possible basis;

9. Decides to continue consideration of the matter at its fifty-sixth session under the same agenda item.

57th meeting
27 April 1999
[Adopted by a roll-call vote of 51 votes to none, with 2 abstentions. See. chap. XI.]

1999/58. Impunity of perpetrators of violations of economic, social and cultural rights

The Commission on Human Rights,

Recalling that, under the Charter of the United Nations, one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights for all,

Recalling also the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as the other relevant human rights instruments, in particular the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23),

Recalling further the universality, interdependence and indivisibility of civil, political, economic, social and cultural rights,

Mindful that in paragraph 91 of section II.E of the Vienna Declaration and Programme of Action, the World Conference on Human Rights supported the efforts of the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to strengthen measures to prevent impunity of perpetrators of violations of human rights,

Mindful also that, in paragraph 10 of section I of the Vienna Declaration and Programme of Action, the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights,

1. Notes resolutions 1997/20 of 27 August 1997 and 1998/13 of 20 August 1998 of the Sub-Commission;

2. *Takes note* of the final report submitted by Mr. El Hadji Guissé pursuant to Sub-Commission resolution 1996/24 of 29 August 1996 on the question of impunity of perpetrators of violations of economic, social and cultural rights (E/CN.4/Sub.2/1997/8) and requests the Secretary-General to disseminate it widely and to invite States, intergovernmental organizations and non-governmental organizations to provide him with their views and comments thereon;

3. *Emphasizes* the importance of combating impunity for the prevention of violations of international human rights law;

4. *Invites* States to pay attention as appropriate to the question of impunity of violations of human rights and to take suitable measures to address this important issue;

5. *Requests* the Secretary-General to collect the information and comments received pursuant to the present resolution and to submit a report thereon to the Commission at its fifty-sixth session;

6. *Invites* the special rapporteurs and other mechanisms of the Commission to give due consideration to the implementation of the present resolution;

7. *Decides* to continue its consideration of this matter at its fifty-sixth session under the same agenda item.

58th meeting
28 April 1999
[Adopted by a roll-call vote of 21 votes to 9,
with 22 abstentions. See chap. XVII.]

1999/59. *Globalization and its impact on the full enjoyment of all human rights*

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations and expressing in particular the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Recalling the Universal Declaration of Human Rights, as well as the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23),

Recalling also the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis, Realizing that globalization affects all countries differently and makes them more susceptible to external developments, positive and negative, including in the field of human rights,

Realizing also that globalization is not merely an economic process but also has social, political, environmental, cultural and legal dimensions which have an impact on the full enjoyment of all human rights,

Recognizing that multilateral mechanisms have a unique role to play in meeting the challenges and opportunities presented by globalization,

Noting that human beings strive for a world respectful of cultures, identities and human rights and in that regard work to ensure that all activities, including those affected by globalization, are consistent with these aims,

1. Recognizes that, while globalization, by its impact on, inter alia, the role of the State, may affect human rights, the promotion and protection of all human rights is first and foremost the responsibility of the State;

2. Underlines, therefore, the need to analyse the consequences of globalization on the full enjoyment of all human rights;

3. Requests all the treaty bodies, special rapporteurs/ representatives, independent experts and working groups of the Commission, within their mandates and where appropriate, to take into consideration the issue of the impact of globalization on the full enjoyment of all human rights in their reports;

4. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a study, based on the reports of the treaty bodies, special rapporteurs, independent experts and working groups of the Commission on the issue of globalization and its impact on the full enjoyment of all human rights, for the consideration of the Commission at its fifty-seventh session;

5. Decides to consider this issue again in the future when appropriate.

58th meeting
28 April 1999
[Adopted by a roll-call vote of 30 votes to 2,
with 20 abstentions. See chap. XVII.]

1999/60. Development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights

The Commission on Human Rights,

Reaffirming that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the purposes and principles of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations, and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms,

Recalling General Assembly resolution 43/128 of 8 December 1988, by which the Assembly launched the World Public Information Campaign on Human Rights, and other Assembly resolutions and its own resolutions on this subject,

Recalling also General Assembly resolution 49/184 of 23 December 1994, by which the Assembly proclaimed the 10-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, and its own resolutions on this subject,

Bearing in mind General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights with a view to supporting, *inter alia*, national capacities for human rights education and public information,

Mindful that the United Nations High Commissioner for Human Rights, according to her mandate as established by General Assembly resolution 48/141 of 20 December 1993, is responsible, *inter alia*, for the provision of advisory services and technical cooperation at the request of States, as well as for the coordination of United Nations education and public information programmes in the field of human rights,

Recognizing the significant effect of United Nations initiatives on public information activities in the field of human rights, in particular those undertaken by the High Commissioner,

Recognizing also the role of the Department of Public Information of the Secretariat, in the context of the Joint United Nations Information Committee, in developing system-wide public information strategies on human rights,

Taking note of the valuable role that non-governmental organizations can play in this endeavour,

Believing that the World Campaign is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights and fundamental freedoms, and recalling the importance attached by the World Conference on Human Rights to strengthening the World Campaign,

Taking note with appreciation of the increased efforts undertaken by the Office of the United Nations High Commissioner for Human Rights to disseminate human rights information through its Website (http://www.unhchr.ch) and its publications and external relations programmes,

Welcoming the initiative of the Department of Public Information to disseminate human rights information through the United Nations project "CyberSchoolBus", an Internet-based educational service that provides an interactive Website for secondary schools, Considering that the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights in 1998 constituted an invaluable opportunity for all members of the international community to enhance human rights education and information activities throughout the world,

1. Takes note with appreciation of the report of the Secretary-General on the development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights (E/CN.4/1999/86);

2. Appreciates the measures taken by the Department of Public Information, in particular the United Nations Information Centres, and the Office of the United Nations High Commissioner for Human Rights to ensure the further production and effective dissemination of human rights information materials in regional and local languages, in close cooperation with regional, national and local organizations, as well as with Governments, in particular as a component of the technical assistance projects in the field of human rights;

3. Urges the Office of the High Commissioner and the Department of Public Information to cooperate closely in the realization of the multimedia information programmes in the field of human rights and to develop strategies to strengthen the role of the mass media in the furtherance of human rights education and public information;

4. Encourages the Office of the High Commissioner to continue the development, in the framework of its programme of advisory services and technical cooperation in the field of human rights, of human rights education and training materials, such as targeted training manuals for professional audiences, given the close link and complementarity between human rights education and public information;

5. Also encourages the Office of the High Commissioner to establish a guideline on gender inclusivity in all the official languages of the United Nations, for use in the preparation of all its communications, reports and publications;

6. Further encourages the Office of the High Commissioner to make available in a timely fashion on its Website United Nations documents and publications, as well as databases for the promotion of human rights, in the official languages of the United Nations, and encourages the efforts of the Department of Public Information with respect to computer-accessible information on human rights;

7. Urges the Department of Public Information, in cooperation with the Office of the High Commissioner, to continue to utilize fully and effectively United Nations Information Centres for the purpose of disseminating, within their designated areas of activity, basic information and reference materials on human rights and fundamental freedoms, in the official languages of the United Nations and other national languages;

8. Also urges the Department of Public Information to produce, in cooperation with the Office of the High Commissioner, information material, in

particular audio-visual material, on all aspects of human rights in connection with the World Public Information Campaign on Human Rights and the United Nations Decade for Human Rights Education;

9. Requests the Secretary-General to take advantage as much as possible of the collaboration of other international and regional intergovernmental organizations and of non-governmental organizations in the implementation of the World Campaign and in the activities relating to the Decade;

10. Calls upon Governments, in accordance with their national conditions, to accord priority, in particular among their parliamentary assemblies, to the dissemination in their relevant national and local languages of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments, human rights materials and training manuals, as well as reports of States parties under the human rights treaties, and to provide training, education and information in those languages on the practical ways in which national and international institutions and procedures may be utilized to ensure the effective implementation of those instruments;

11. Urges all Member States to develop a comprehensive, effective and sustainable national plan of action for human rights education and public information, as an integral part of a broad national plan of action for human rights and complementary to other national plans already defined, such as those relating to women, minorities and indigenous peoples, in accordance with the Guidelines for national plans of action for human rights education (A/52/469/Add.1 and Corr.1) and the Plan of Action for the United Nations Decade for Human Rights Education (A/51/506/Add.1, appendix);

12. Encourages Governments to consider, within the national plans or other regional plans mentioned in the preceding paragraph, the establishment of public access to human rights resource and training centres capable of engaging in research, gender-sensitive training of trainers, preparation, collection, translation and dissemination of human rights education and training materials, organization of courses, conferences, workshops and public information campaigns and assistance in the implementation of internationally sponsored technical cooperation projects for human rights education and public information;

13. Also encourages Governments, where such national public access human rights resource and training centres already exist, to strengthen their capacity to support human rights education and public information programmes at the international, regional, national and local levels;

14. Encourages the Office of the High Commissioner, through its programme of advisory services and technical cooperation in the field of human rights, and other international and regional intergovernmental organizations, to give priority and continue to support, inter alia, national capacities for human rights education and public information;

15. Urges Governments and intergovernmental and non-governmental organizations to continue, in the context of the Decade and of the World Campaign, the human rights education and public information work undertaken on

the occasion of the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights, such as the development of materials, the elaboration of programmes and the establishment of networks;

16. Encourages Governments to contribute to the further development of the Website of the Office of the High Commissioner, in particular with respect to the dissemination of human rights education materials and tools, and to continue and expand the publications and external relations programmes of the Office;

17. Calls upon the High Commissioner to coordinate and harmonize human rights information strategies within the United Nations system, in close cooperation with all relevant United Nations agencies and bodies, and recognizes the role of the Department of Public Information in developing system-wide public information campaigns on human rights issues;

18. Requests the Secretary-General to make available adequate resources from within the regular budget of the United Nations in order to allow the Office of the High Commissioner and the Department of Public Information to implement fully their respective programmes;

19. Also requests the Secretary-General to submit to the Commission, at its fifty-seventh session, a report on public information activities, with special emphasis on activities relating to the World Campaign;

20. Decides to continue its consideration of this question at its fifty-seventh session under the same agenda item, in connection with the question of the United Nations Decade for Human Rights Education (1995-2004).

58th meeting
28 April 1999
[Adopted without a vote. See chap. XVII.]

1999/61. Question of the death penalty

The Commission on Human Rights,

Recalling article 3 of the Universal Declaration of Human Rights, which affirms the right of everyone to life, article 6 of the International Covenant on Civil and Political Rights and articles 6 and 37 (a) of the Convention on the Rights of the Child,

Recalling also General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977 on capital punishment, as well as resolution 44/128 of 15 December 1989, in which the Assembly adopted and opened for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

Recalling further Economic and Social Council resolutions 1574 (L) of 20 May 1971, 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1984/50 of 25 May 1984, 1985/33 of 29 May 1985, 1989/64 of 24 May 1989, 1990/29 of 24 May 1990, 1990/51 of 24 July 1990 and 1996/15 of 23 July 1996, Recalling its resolution 1998/8 of 3 April 1998 in which it expressed its conviction that abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights,

Welcoming the exclusion of capital punishment from the penalties that the International Criminal Tribunal for the Former Yugoslavia, the International Tribunal for Rwanda and the International Criminal Court are authorized to impose,

Commending those countries which have recently abolished the death penalty,

Welcoming the fact that many countries, while still keeping the death penalty in their penal legislation, are applying a moratorium on executions,

Referring to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1999/39 and Add.1), with respect to the Safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984,

Deeply concerned that several countries impose the death penalty in disregard of the limitations provided for in the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child,

Concerned also that several countries, in imposing the death penalty, do not take into account the Safeguards guaranteeing protection of the rights of those facing the death penalty,

1. Welcomes the report of the Secretary-General containing information on changes in law and practice concerning the death penalty worldwide (E/CN.4/1999/52 and Corr.1 and Add.1) and further positive developments reflected in that report;

2. Calls upon all States parties to the International Covenant on Civil and Political Rights that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

3. Urges all States that still maintain the death penalty:

(a) To comply fully with their obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, notably not to impose the death penalty for any but the most serious crimes and only pursuant to a final judgement rendered by an independent and impartial competent court, not to impose it for crimes committed by persons below 18 years of age, to exclude pregnant women from capital punishment and to ensure the right to a fair trial and the right to seek pardon or commutation of sentence;

(b) To ensure that the notion of "most serious crimes" does not go beyond intentional crimes with lethal or extremely grave consequences and that the death penalty is not imposed for non-violent financial crimes or for non-violent religious practice or expression of conscience;

(c) Not to enter any new reservations under article 6 of the International Covenant on Civil and Political Rights which may be contrary to the object and the purpose of the Covenant and to withdraw any such existing reservations, given that article 6 of the Covenant enshrines the minimum rules for the protection of the right to life and the generally accepted standards in this area;

(d) To observe the Safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50, and to comply fully with their international obligations, in particular with those under the Vienna Convention on Consular Relations;

(e) Not to impose the death penalty on a person suffering from any form of mental disorder or to execute any such person;

(f) Not to execute any person as long as any related legal procedure, at international or at national level, is pending;

4. Calls upon all States that still maintain the death penalty:

(a) Progressively to restrict the number of offences for which the death penalty may be imposed;

(b) To establish a moratorium on executions, with a view to completely abolishing the death penalty;

(c) To make available to the public information with regard to the imposition of the death penalty;

5. Requests States that have received a request for extradition on a capital charge to reserve explicitly the right to refuse extradition in the absence of effective assurances from relevant authorities of the requesting State that capital punishment will not be carried out;

6. Requests the Secretary-General to submit his sixth quinquennial report on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty, due in 2000 in accordance with Economic and Social Council resolution 1995/57 of 28 July 1995, to the Commission at its fifty-sixth session;

7. Decides to continue consideration of the matter at its fifty-sixth session under the same agenda item.

58th meeting
28 April 1999
[Adopted by a roll-call vote of 30 votes to 11,
with 12 abstentions. See chap. XVII.]

1999/62. Towards a culture of peace

The Commission on Human Rights,

Recalling General Assembly resolutions 50/173 of 22 December 1995, 51/101 of 12 December 1996 and 52/13 of 20 November 1997 on a culture of peace, resolution 51/104 of 12 December 1996 on the United Nations Decade for Human Rights Education and public information activities in the field of human rights; 52/15 of 20 November 1997, in which the Assembly proclaimed the year 2000 as the International Year for the Culture of Peace; and 53/25 of 10 November 1998 on the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010),

Also recalling its resolution 1998/54, entitled "Towards a culture of peace", of 17 April 1998,

Taking note of the report presented to the General Assembly by the Secretary-General in coordination with the Director-General of the United Nations Educational, Scientific and Cultural Organization (A/53/370, annex), which contains a draft declaration and programme of action on a culture of peace,

Bearing in mind the preamble of the Charter of the United Nations and guided by the purposes and principles contained therein,

Reaffirming that, since wars begin in the minds of men and women, it is in the minds of men and women that the defences of peace must be constructed,

Taking into account that a culture of peace actively fosters non-violence and respect for human rights, strengthens solidarity among peoples and dialogue between cultures, and promotes democratic participation and the right to development of women and men on an equal footing,

Recognizing that culture is an integral whole and a basis for the intellectual development of all human beings, and affirming the need for access, on an equal basis, by children, men and women, including the elderly, to the science of knowledge, in particular to an education for peace, to the enjoyment of the beautiful legacy of mankind, for the full development of individuals as human beings,

Underlining, at the dawn of the new millennium, the need to develop effective policies for the full enjoyment of all human rights and fundamental freedoms by all people, thereby encouraging them to contribute actively to the further development of a culture of peace,

1. Recognizes the contributions made by United Nations entities, including the United Nations High Commissioner for Human Rights, and by international organizations to the Secretary-General's report on a culture of peace, in particular, those elements pertaining to the activities to foster the respect of human rights;

2. Encourages the General Assembly to conclude its deliberations on the adoption of a declaration and programme of action on a culture of peace;

3. Takes note with appreciation of initiatives of civil society, in coordination with United Nations entities, to observe the year 2000 as the International Year for the Culture of Peace;

4. Reiterates its invitation to States to promote a culture of peace based on the purposes and principles established in the Charter of the United Nations, respect for all human rights, democracy, education for peace, promotion of sustainable development, tolerance, respect for pluralism, positive acceptance of multiculturalism, the wider participation of women, and equal opportunities for all, as an integral approach to preventing violence in its diverse manifestations;

5. Requests the Office of the United Nations High Commissioner for Human Rights to prepare a report, taking into consideration the comments and views of all Governments, intergovernmental and non-governmental organizations, on the contribution of the promotion and protection of human rights to the further development of a culture of peace, and to present this report to the Commission at its fifty-sixth session;

6. Decides to continue considering the question of a culture of peace at its fifty-sixth session, giving due attention to the fact that the year 2000 has been proclaimed, by the General Assembly, as the International Year for the Culture of Peace.

58th meeting
28 April 1999
[Adopted without a vote. See chap. XVII.]

1999/63. Human rights and bioethics

The Commission on Human Rights,

Recalling that, according to the Universal Declaration of Human Rights, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling also the ideal of free human beings enjoying freedom from fear and want, as recognized by the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Seeking to preserve the dignity and integrity of the human being,

Recalling the right of everyone, as recognized by the International Covenant on Economic, Social and Cultural Rights, to enjoy the benefits of scientific progress and its applications,

Convinced, in accordance with the International Covenant on Economic, Social and Cultural Rights, of the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific field, Recalling the provisions of the International Covenant on Civil and Political Rights, whereby no one shall be subjected without his free consent to medical or scientific experimentation,

Recalling also the Principles of Medical Ethics concerning the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982,

Emphasizing that, under the Convention on the Rights of the Child, States are obliged to protect children against any form of violence,

Aware that the rapid development of the life sciences opens up tremendous prospects for the improvement of the health of individuals and mankind as a whole, but also that certain practices may pose dangers to the integrity and dignity of the individual,

Seeking therefore to ensure that scientific progress benefits individuals and develops in a manner respectful of fundamental human rights,

Referring to the Universal Declaration on the Human Genome and Human Rights adopted on 11 November 1997 by the General Conference of the United Nations Educational, Scientific and Cultural Organization and to General Assembly resolution 53/152 of 9 December 1998 endorsing the Declaration,

Referring also to resolution 29 C/17 on implementation of the Declaration adopted by the United Nations Educational, Scientific and Cultural Organization, and recalling that in accordance with that resolution Member States are urged to keep the Director-General regularly informed of all measures they have taken to implement the principles set forth in the Declaration,

Recalling that article 1 of the Declaration states the principle that the human genome underlies the fundamental unity of all members of the human family, as well as the recognition of their inherent dignity and diversity,

Recalling also that article 10 of the Declaration affirms that no research or research applications concerning the human genome, in particular in the fields of biology, genetics and medicine, should prevail over respect for the human rights, fundamental freedoms and human dignity of individuals or, where applicable, of groups of people,

Recalling further the decision taken on 7 May 1998 whereby the Executive Board of the United Nations Educational, Scientific and Cultural Organization established the International Bioethics Committee, with the functions of reflecting on the ethical and legal issues raised by research in the life sciences, making recommendations to the General Conference and giving advice concerning the follow-up to the Declaration by identifying practices that could be contrary to human dignity,

Recalling lastly its resolutions 1991/45 of 5 March 1991, 1993/91 of 10 March 1993 and 1997/71 of 16 April 1997, Referring to resolution 1997/42 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities regarding this question,

Recalling the adoption by the Council of Ministers of the Council of Europe, on 4 April 1997, of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine,

Convinced of the need to develop a life sciences ethic at the national and international levels, and recognizing the need to develop international rules and cooperation in order to ensure that mankind as a whole benefits from the use of the life sciences and to prevent them from being used for any purpose other than the good of mankind,

1. Takes note with satisfaction of the report of the Secretary-General (E/CN.4/1999/90);

2. Invites the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the Office of the High Commissioner for Human Rights, and the other United Nations bodies and specialized agencies concerned to report to the Secretary-General on the activities conducted in their respective areas to ensure that the principles set forth in the Universal Declaration on the Human Genome and Human Rights are taken into account;

3. Invites the Secretary-General to draw up proposals, on the basis of these contributions and for consideration by the General Assembly at its fifty-fourth session, concerning ways of ensuring the proper coordination of bioethics activities throughout the United Nations system;

4. Invites the High Commissioner to pay all due attention to this question within her area of competence;

5. Draws the attention of Governments to the importance of research on the human genome and its applications for the improvement of the health of individuals and mankind as a whole, to the need to safeguard the rights of the individual and his dignity, as well as his identity and unity, and to the need to protect the confidentiality of genetic data concerning a named person;

6. Invites Governments to consider establishing independent, multidisciplinary and pluralist committees of ethics to assess, notably in conjunction with the International Bioethics Committee of the United Nations Educational, Scientific and Cultural Organization, the ethical, social and human questions raised by the biomedical research undergone by human beings and, in particular, research relating to the human genome and its applications, and also invites them to inform the Secretary-General of the establishment of any such bodies, with a view to promoting exchanges of experience between such institutions;

7. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider what contribution it can make to the

reflections of the International Bioethics Committee on the follow-up to the Universal Declaration on the Human Genome and Human Rights and to report on this matter to the Commission at its fifty-seventh session.

8. Requests the Secretary-General to submit a report based on these contributions for consideration by the Commission at its fifty-seventh session.

58th meeting
28 April 1999
[Adopted without a vote. See chap. XVII.]

1999/64. United Nations Decade for Human Rights Education

The Commission on Human Rights,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming article 26 of the Universal Declaration of Human Rights, in accordance with which education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms,

Recalling the provisions of other international human rights instruments, including article 13 of the International Covenant on Economic, Social and Cultural Rights and article 28 of the Convention on the Rights of the Child, which reflect the aims of the aforementioned article,

Taking into account its resolution 1993/56 of 9 March 1993, in which the Commission recommended that knowledge of human rights, both in its theoretical dimension and in its practical application, should be established as a priority in education policies,

Believing that every woman, man and child, to realize their full human potential, must be made aware of all their human rights, civil, cultural, economic, political and social,

Believing also that human rights education constitutes an important vehicle for the elimination of gender-based discrimination and ensuring equal opportunities through the promotion and protection of the human rights of women,

Convinced that human rights education should involve more than the provision of information and should constitute a comprehensive lifelong process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Convinced also that human rights education and information contribute to a concept of development consistent with the dignity of women and men of all ages which takes into account particularly vulnerable segments of society such as children, youth, older persons, indigenous people, minorities, rural and urban poor, migrant workers, refugees, persons with human immunodeficiency virus/acquired immune deficiency syndrome infection and disabled persons,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23), in particular Part II, paragraphs 78 to 82, thereof,

Recalling the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights,

Recalling also General Assembly resolution 49/184 of 23 December 1994, in which the Assembly proclaimed the 10-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, welcomed the Plan of Action for the Decade (A/51/506/Add.1, appendix) and requested the High Commissioner to coordinate the implementation of the Plan of Action,

Noting General Assembly resolution 53/153 of 9 December 1998, in which the Assembly urged all Governments to contribute further to the implementation of the Plan of Action, in particular by establishing, in accordance with national conditions, broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information,

Welcoming the initiative of the Office of the United Nations High Commissioner for Human Rights to develop the project "Assisting Communities Together", supported by voluntary funds and designed to provide small grants to grass-roots and local organizations carrying out practical human rights activities,

Taking note with appreciation of the increased efforts undertaken so far by the Office of the High Commissioner to disseminate human rights information through its Website (http://www.unhchr.ch),

Welcoming the initiative of the Department of Public Information of the Secretariat to launch the United Nations project "CyberSchoolBus", an Internet-based educational service that provides an interactive Website for secondary schools,

Considering that the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights in 1998 constituted an invaluable opportunity for all members of the international community to enhance human rights education and information activities throughout the world,

1. *Takes note with appreciation* of the report of the Secretary-General on the implementation of the Plan of Action for the United Nations Decade for Human Rights Education (E/CN.4/1999/87);

2. *Welcomes* the steps taken by Governments and intergovernmental and non-governmental organizations to implement the Plan of Action as indicated in the report of the Secretary-General;

3. Urges all Governments to contribute further to the implementation of the Plan of Action, in particular by establishing, in accordance with national conditions, broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information, in accordance with the guidelines for national plans of action for human rights education (A/52/469/Add.1 and Corr.1);

4. Urges Governments to encourage, support and involve national and local non-governmental and community-based organizations in the implementation of their national plans of action;

5. Requests the High Commissioner to accelerate the implementation of the Plan of Action and, in particular, to encourage and facilitate the establishment of national plans of action for human rights education in Member States in accordance with national conditions;

6. Encourages the Office of the High Commissioner to continue to support national capacities for human rights education and information through its technical cooperation programme in the field of human rights, including the organization of training courses and the development of targeted training materials for professional audiences, as well as the dissemination of human rights information materials as a component of technical cooperation projects;

7. Also encourages the Office of the High Commissioner to further develop its Website, in particular with respect to the dissemination of human rights education materials and tools;

8. Requests the High Commissioner to continue implementation of the "Assisting Communities Together" project and to consider other appropriate ways and means to support human rights education activities, including those undertaken by non-governmental organizations;

9. Encourages Governments to support further through voluntary contributions the education and public information efforts undertaken by the Office of the High Commissioner in the framework of the Decade;

10. Requests human rights treaty monitoring bodies to consider adopting a general comment on human rights education and to place emphasis, when examining reports of States parties, on the obligations of States parties in the area of human rights education and information, and to reflect this emphasis in their concluding observations;

11. Invites the specialized agencies, especially the United Nations Economic, Social and Cultural Organization, and relevant United Nations programmes and funds to contribute, within their respective spheres of competence, to the implementation of the Plan of Action and to cooperate closely with the Office of the High Commissioner in that regard;

12. Urges the relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the Office of the High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees, to provide training in the human rights of women for all United Nations personnel and officials;

13. Calls upon international, regional and national non-governmental organizations and intergovernmental organizations, in particular those concerned with women, labour, development, food, housing, education, health care and the environment, as well as all other social justice groups, human rights advocates, educators, religious organizations and the media, to undertake specific activities of formal, non-formal and informal education, including cultural events, alone and in cooperation with the Office of the United Nations High Commissioner for Human Rights, in implementing the Plan of Action;

14. Urges Governments and intergovernmental and non-governmental organizations to continue in the context of the Decade the human rights education and public information work undertaken on the occasion of the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights, such as the development of materials, the elaboration of programmes and the establishment of networks;

15. Requests the Secretary-General, through the United Nations High Commissioner for Human Rights, to submit to the Commission a report on the implementation of the present resolution at its fifty-sixth session;

16. Decides to continue consideration of the question of human rights education at its fifty-sixth session under the same agenda item.

58th meeting
28 April 1999
[Adopted without a vote. See chap. XVII.]

1999/65. Fundamental standards of humanity

The Commission on Human Rights,

Gravely concerned at the large number of situations where internal violence causes extensive suffering and undermines the protection of human rights,

Conscious of the desirability of continuing to study the principles governing the behaviour of all persons, groups and public authorities,

Emphasizing, in this regard, the need to identify and implement measures to prevent violations of human rights and international humanitarian law, in particular violations of the right to life and integrity of the individual,

Recalling its resolution 1998/29 of 17 April 1998,

1. Recognizes the desirability of identifying fundamental standards of humanity applicable in all situations in a manner consistent with international law, including the Charter of the United Nations;

2. Also recognizes in this regard the vital importance of the existence in each country of appropriate national legislation for dealing with such situations in a manner consistent with the rule of law;

3. Welcomes the report of the Secretary-General on fundamental standards of humanity (E/CN.4/1999/92) and invites Governments, United Nations bodies, the human rights treaty bodies, mechanisms of the Commission on Human Rights and intergovernmental organizations, as well as regional organizations, the International Committee of the Red Cross and non-governmental organizations, to provide comments on this report and on the previous analytical report of the Secretary-General (E/CN.4/1998/87 and Add.1);

4. Requests the Secretary-General to continue to study and consult on this issue and to submit a report, entitled "Fundamental standards of humanity", to the Commission at its fifty-sixth session, taking into account comments received and relevant new developments.

58th meeting
28 April 1999
[Adopted without a vote. See chap. XVII.]

1999/66. Implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The Commission on Human Rights,

Welcoming General Assembly resolution 53/144 of 9 December 1998 by which the Assembly adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Emphasizing the important role that individuals, non-governmental organizations and groups have to play in the promotion and protection of human rights and fundamental freedoms,

1. Calls upon all States to promote and give effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and to report on activities they have undertaken in this regard;

2. Urges all treaty bodies and special representatives, special rapporteurs and working groups of the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to give due regard to the Declaration within their mandates, and requests the Secretary-General to submit a report thereon to the Commission at its fifty-sixth session;

3. Requests the Secretary-General to consider appropriate ways for the effective promotion and implementation of the Declaration and to submit a

report to the Commission at its fifty-sixth session with proposals thereon and, in preparing his report, to seek the views of Governments, specialized agencies and relevant intergovernmental and non-governmental organizations.

58th meeting
28 April 1999
[Adopted without a vote. See chap. XVII.]

1999/67. Convention on the Prevention and Punishment of the Crime of Genocide

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, as well as other relevant international human rights instruments,

Recalling that the General Assembly, in its resolution 96 (I) of 11 December 1946, declared genocide to be a crime under international law, contrary to the spirit and aims of the United Nations,

Welcoming General Assembly resolution 53/43 of 2 December 1998 on the fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide and recalling its own resolution 1998/10 of 3 April 1998 on the same subject,

Stressing the significance of the adoption on 17 July 1998 of the Rome Statute of the International Criminal Court (A/CONF.183/9),

Mindful of the suffering that genocide has caused to mankind and that the danger of the repetition of genocide has not completely disappeared,

Convinced that the United Nations High Commissioner for Human Rights and the Commission can contribute to preventing situations in which the crime of genocide could be committed,

1. Stresses the importance of and the need to implement the Convention on the Prevention and Punishment of the Crime of Genocide;

2. Decides to examine the matter at its fifty-seventh session.

58th meeting
28 April 1999
[Adopted by a roll-call vote of 48 votes to none,
with 5 abstentions. See chap. XVII.]

1999/68. Enhancement of international cooperation in the field of human rights

The Commission on Human Rights,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23), to enhance genuine cooperation among States in the field of human rights,

Recalling its resolution 1998/81 of 24 April 1998 and General Assembly resolution 53/154 of 9 December 1998 relating to the enhancement of international cooperation in the field of human rights,

Reaffirming that dialogue among religions, cultures and civilizations, including in the field of human rights, could contribute greatly to the enhancement of international cooperation in this field,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Reaffirming the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, and underlining the importance of mutual understanding, dialogue and genuine cooperation on human rights issues,

Taking note of the adoption of resolution 1998/28 of 26 August 1998 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Promotion of dialogue on human rights issues",

1. Calls upon States, intergovernmental organizations and specialized agencies to continue to carry out constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

2. Invites States and all relevant United Nations human rights mechanisms and procedures to pay continued attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of human rights;

3. Requests the United Nations High Commissioner for Human Rights to submit a report on ways and means of enhancing international cooperation in the field of human rights to the Commission at its fifty-seventh session;

4. Decides to continue its consideration of this question at its fifty-sixth session.

58th meeting
28 April 1999
[Adopted without a vote. See chap. XVII.]

1999/69. Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region

The Commission on Human Rights,

Recalling its resolution 1998/44 of 17 April 1998,

Recognizing that regional cooperation can play an important role in promoting universal respect for, and observance of, human rights and fundamental freedoms,

Recognizing also the valuable contribution that independent national institutions and non-governmental organizations can make in the field of human rights in the Asian and Pacific region,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Welcoming the convening of the Seventh Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region, held in New Delhi from 16 to 18 February 1999,

1. Welcomes the report of the Secretary-General (E/CN.4/1999/94) and the progress achieved in the implementation of Commission resolution 1998/44;

2. Endorses the conclusions of the seventh workshop and its decisions regarding the next steps to be taken to facilitate the process of regional cooperation in the Asian and Pacific region;

3. Reaffirms that developing and strengthening national capacities for the promotion and protection of human rights in accordance with national conditions provides the strongest foundation for effective and enduring regional cooperation in the field of human rights in the Asian and Pacific region;

4. Supports the call of the seventh workshop for the mainstreaming and effective coordination of technical cooperation activities in all areas of human rights as an essential element for promotional approaches that build capacity and ensure effective solutions;

5. Recognizes the importance of an inclusive, step-by-step, practical and building-block approach towards enhancing regional cooperation for the promotion and protection of human rights in accordance with the pace and priorities to be set by the Governments of the Asian and Pacific region by consensus;

6. Also recognizes that the continuing process of regional cooperation and its practical results are essential to discussions on possible regional arrangements;

7. Welcomes the in-depth discussions held during the seventh workshop on the effective realization of the right to development and of economic, social and cultural rights;

8. Also welcomes the discussions held during the seventh workshop on the three other areas under the framework of regional cooperation: national plans of action for the protection of human rights and strengthening of national capacities, human rights education, and national institutions for the promotion and protection of human rights;

9. Commends the contribution of the Government of India, as the host of the seventh workshop, to the promotion and protection of human rights in the Asian and Pacific region;

10. Welcomes the establishment of independent national institutions in countries of the Asian and Pacific region and their important contribution to the process of regional cooperation, *inter alia*, through the work of the Asia-Pacific Forum of National Human Rights Institutions;

11. Notes the contribution of independent national institutions and representatives of non-governmental organizations to the seventh workshop;

12. Welcomes the decision of the United Nations High Commissioner for Human Rights to allocate funding for the implementation of the regional projects foreseen within the Framework for Regional Technical Cooperation in the Asian and Pacific Region adopted at the sixth workshop held in Tehran from 28 February to 2 March 1998 (E/CN.4/1998/50, annex II);

13. Calls upon the Office of the United Nations High Commissioner for Human Rights to develop and implement the project proposals made at the seventh workshop in the four areas identified under the regional framework;

14. Welcomes the indication by the Governments of Thailand, Japan and the Republic of Korea that they would each host a regional inter-sessional workshop on one of the four areas agreed upon in Tehran;

15. Encourages all Governments in the Asian and Pacific region to consider making use of the facilities offered by the United Nations, under the programme of advisory and technical cooperation in the field of human rights, to further strengthen national human rights capacities, and in this regard calls upon the High Commissioner to give adequate attention to the programme;

16. Requests the Secretary-General to submit to the Commission at its fifty-sixth session a report containing the conclusions of the Eighth Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region and information on the progress achieved in the implementation of the present resolution;

17. Decides to continue its consideration of the question at its fifty-sixth session under the same agenda item.

58th meeting
28 April 1999
[Adopted without a vote. See chap. XVIII.]

1999/70. Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

The Commission on Human Rights,

Recalling that, in its report to the Special Commission of the Economic and Social Council (E/CN.4/1988/85 and Corr.1), the Commission on Human Rights reaffirmed that the paramount consideration for employing staff at every level was the need for the highest standards of efficiency, competence and integrity and was convinced that this objective was compatible with the principle of equitable geographical distribution and took into account Article 101, paragraph 3, of the Charter of the United Nations,

Recalling also Part II, paragraphs 11 and 17, of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights requested the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities, while recognizing the necessity for restructuring United Nations human rights machinery, in accordance with its real needs,

Taking into account the need to pay particular attention to the recruitment of personnel for the Office of the United Nations High Commissioner for Human Rights from developing countries, thus improving the present staff composition, based on a more equitable geographical distribution,

Noting with concern that the report of the United Nations High Commissioner for Human Rights submitted pursuant to resolution 1998/46 of 17 April 1998 (E/CN.4/1999/97) concerning the geographical composition and the functions of the Office staff clearly reflects that one region is unequivocally over-represented in the staff composition,

Expressing its concern again over the under-representation of the developing countries on the staff of the Office of the High Commissioner, particularly bearing in mind the criteria of equitable geographical distribution,

1. Takes note of the report of the High Commissioner on the composition of the staff of the Office of the High Commissioner (E/CN.4/1999/97);

2. Reiterates its support of the statement of the High Commissioner to the Third Committee at the fifty-second session of the General Assembly, in which she expressed her willingness to ensure a good geographical balance and a sense of bringing together North and South in a joint commitment to human rights, in the process of filling key senior positions in the Office as well as the post of Deputy High Commissioner;

3. Reaffirms that Article 101, paragraph 3, of the Charter of the United Nations should guide the Secretary-General in his policy for recruiting the staff of the Organization, mindful of the criteria of equitable geographical distribution;

4. Considers that it is necessary, in the process of restructuring the Office of the United Nations High Commissioner for Human Rights, to take urgent, concrete and immediate action to change the currently prevailing geographical distribution of staff of the Office in favour of a more equitable distribution of posts, in accordance with Article 101 of the Charter, particularly by recruiting personnel from developing countries, including to key posts;

5. Requests the Secretary-General to take the necessary measures to ensure that particular attention is paid to recruiting personnel from developing countries for the existing vacancies and for other additional posts in the Office of the High Commissioner to ensure an equitable geographical distribution, giving particular priority in this regard to recruitment for high-level and Professional posts and to the recruitment of women;

6. Requests once again the Secretary-General, in signing agreements with countries as a result of which Junior Professional Officers are provided to the Office of the High Commissioner, to urge those countries to ensure the allocation of additional financial resources to guarantee that personnel from developing countries are able to work as Junior Professional Officers, with a view to conforming with the principle of equitable geographical distribution; furthermore, a permanent mechanism must be established, by virtue of which every Junior Professional Officer from a donor country who joins the Office will be matched by another Junior Professional Officer from a developing country;

7. Emphasizes the importance of openly advertising all posts, including ad hoc appointments for field operations, including the dissemination of detailed job descriptions among all States prior to filling those posts;

8. Requests the High Commissioner to ensure that Junior Professional Officers are not given sensitive political assignments where their impartiality may be questioned;

9. Reaffirms the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues, and requests the High Commissioner to continue ensuring that the fulfilment of her mandate and that of the Office is guided by these principles;

10. Stresses that the staff of the Office of the High Commissioner need to continue maintaining their neutrality and fully respecting the independence of the work of all mechanisms of the Commission and the treaty bodies, while providing support to their functioning;

11. Requests the High Commissioner to submit a comprehensive report on the implementation of the present resolution to the Commission at its fifty-sixth session, which should include:

(a) The composition of the staff of the Office, organized by the five United Nations regional groups established by the General Assembly (African States, Asian States, Latin America and Caribbean States, Western Europe and Other States and Eastern Europe States) and reflecting, inter alia, grade, nationality and gender, including with regard to non-regular staff;

(b) Measures adopted to improve the current situation and their results;

(c) Recommendations to improve the current situation;

12. Decides to consider this matter under the same agenda item at its fifty-sixth session.

58th meeting
28 April 1999
[Adopted by a roll-call vote of 34 votes to 16,
with 3 abstentions. See chap. XVIII.]

1999/71. Regional arrangements for the promotion and protection of human rights

The Commission on Human Rights,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23), which reiterated, inter alia, the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling also General Assembly resolution 32/127 of 16 December 1977 and all subsequent resolutions of the Assembly concerning regional arrangements for the promotion and protection of human rights, most recently resolution 53/148 of 9 December 1998,

Recalling further Commission resolution 1997/34 of 11 April 1997, Reaffirming that regional arrangements play a fundamental role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments, and their protection,

Recalling that the World Conference recommended that more resources should be made available for the strengthening or the establishment of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,

Supporting the efforts made by the United Nations, the specialized agencies and regional intergovernmental organizations in order to promote and protect human rights at the regional level, and the conclusion of regional arrangements in the field of human rights,

Noting the expansion of the technical cooperation programme of the High Commissioner, extended upon the request of the concerned Member States, and the crucial importance of sharing information and experiences and developing and strengthening national capacities for the promotion and protection of human rights,

Considering that the cooperation between the United Nations and regional arrangements in the field of human rights continues to be both substantive and mutually supportive and possibilities exist for increased cooperation,

1. Takes note of the report of the Secretary-General (E/CN.4/1999/93);

2. Welcomes the continuing cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular through technical cooperation which is aimed at national capacity-building, public information and education, with a view to exchanging information and experience in the field of human rights;

3. Also welcomes, in that respect, the close cooperation of the Office of the High Commissioner in the organization of regional and subregional training courses and workshops in the field of human rights, high-level government expert meetings and regional conferences of national human rights institutions, aimed at creating greater understanding of the promotion and protection of human rights issues in the regions, improving procedures and examining the various systems for the promotion and protection of universally accepted human rights standards and at identifying obstacles to ratification of the principal international human rights treaties and strategies to overcome them;

4. Stresses the importance of the programme of technical cooperation in the field of human rights and renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations, under this programme, of organizing workshops or training courses at the national level for government personnel and relevant professional groups on the application of international human rights standards and the experience of

relevant international bodies, and notes with satisfaction, in that respect, the establishment of technical cooperation projects with Governments of all regions;

5. Welcomes the growing exchanges between the United Nations and the bodies created by the United Nations in accordance with the treaties dealing with human rights, on the one hand, and regional intergovernmental organizations, such as the Council of Europe, the Organization for Security and Cooperation in Europe, the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights, on the other hand;

6. Reiterates the recommendation of the World Conference on Human Rights that human rights officers be assigned if and when necessary to regional offices of the United Nations for the purpose of disseminating information and offering training and other technical assistance in the field of human rights upon the request of the concerned Member States, and in this regard calls upon the Office of the High Commissioner to also disseminate information regarding regional arrangements which exist in different parts of the world;

7. Welcomes in this regard the appointment by the Office of the High Commissioner of a regional programme adviser, based in Pretoria, within the framework of its programme of technical cooperation, who is facilitating the promotion and protection of human rights, democracy and the rule of law through projects and activities and by providing on-site support and advice, upon request, to Governments and the Southern African Development Community;

8. Takes note with appreciation of the decision made by the United Nations High Commissioner for Human Rights to make available, at the request of Member States, the services of a regional human rights adviser as a regional project officer in connection with the implementation of technical cooperation in the Asian and Pacific region, in accordance with the Framework for Technical Cooperation in the Asian and Pacific Region established at the Sixth Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region, held in Tehran from 28 February to 2 March 1998 (E/CN.4/1998/50, annex II);

9. Requests the Secretary-General, as foreseen in programme 19, Human rights, of the medium-term plan for the period 1998-2001, to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights and to make available adequate resources from within the regular budget of technical cooperation to these activities of the Office of the High Commissioner to promote regional arrangements;

10. Welcomes the adoption by the Assembly of Heads of State and Government of the Organization of African Unity of the Protocol to the Charter on Human and Peoples' Rights on the establishment of an African Court of Human and Peoples' Rights, as well as the assistance provided by the Office of the High Commissioner for the elaboration of this Protocol;

11. Invites States in areas where regional arrangements in the field of human rights do not yet exist to consider concluding agreements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights;

12. Requests the Office of the High Commissioner to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of technical cooperation and to make, where necessary, relevant recommendations;

13. Invites the Secretary-General, in the report he will present to the General Assembly at its fifty-fifth session, to provide information about the progress made since the adoption of the Vienna Declaration and Programme of Action on reinforcing the exchange of information and extending collaboration between the organs of the United Nations dealing with human rights and regional organizations in the field of the promotion and protection of human rights;

14. Requests the Secretary-General to submit to it at its fifty-seventh session a report on the state of regional arrangements for the promotion and protection of human rights, to formulate concrete proposals and recommendations on ways and means to strengthen cooperation between the United Nations and regional arrangements in the field of human rights and to include therein the results of action taken in pursuance of the present resolution;

15. Decides to consider this question further at its fifty-seventh session.

59th meeting
28 April 1999
[Adopted without a vote. See chap. XVIII.]

1999/72. National institutions for the promotion and protection of human rights

The Commission on Human Rights,

Recalling relevant resolutions of the General Assembly and its own resolutions concerning national institutions for the promotion and protection of human rights, notably Assembly resolutions 48/134 of 20 December 1993 and 52/128 of 12 December 1997 and Commission resolutions 1992/54 of 3 March 1992 and 1998/55 of 17 April 1998,

Welcoming the rapidly growing interest worldwide in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Convinced of the important role such national institutions play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms, Expressing its appreciation in this context of the active role that national institutions played in the celebrations marking the fiftieth anniversary of the Universal Declaration of Human Rights at the national and local levels,

Recognizing that it is the prerogative of each State to choose, for the establishment of a national institution, the legal framework that is best suited to its particular needs and circumstances to ensure that human rights are promoted and protected at the national level in accordance with international human rights standards,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23), in which was reaffirmed the important and constructive role played by national human rights institutions and their role in remedying human rights violations and in the dissemination of human rights information and education concerning human rights,

Recalling also the Platform for Action adopted by the Fourth World Conference on Women (A/CONF.177/20, chap. I, annex II), in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women,

Welcoming the strengthening of international cooperation among national human rights institutions, including through the meeting of the Coordinating Committee created by national institutions, held in Paris in December 1998 in association with celebrations marking the fiftieth anniversary of the Universal Declaration of Human Rights,

Welcoming also the strengthening of regional cooperation among national human rights institutions, including through the third Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions, held in Jakarta in September 1998, the Second Conference of African National Institutions for the Promotion and Protection of Human Rights, held in Durban, South Africa, in June/July 1998, and the first meeting of Mediterranean National Institutions for the Promotion and Protection of Human Rights, held in Marrakesh, Morocco, in April 1998,

Noting the importance of an appropriate form of participation by national institutions in relevant United Nations meetings dealing with human rights, and noting that a number of national institutions have for some time taken a constructive part in such meetings as part of the delegations of Member States,

1. Reaffirms the importance of the development of effective, independent, pluralistic national institutions for the promotion and protection of human rights in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights, annexed to General Assembly resolution 48/134 of 20 December 1993;

2. Encourages Member States to establish or, where they already exist, to strengthen such institutions, as outlined in the Vienna Declaration and Programme of Action;

3. Welcomes the support for the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms as outlined in article 14, paragraph 3, of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms adopted by the General Assembly in resolution 53/144 of 9 December 1998;

4. Also welcomes the decisions announced recently by a growing number of States to establish, or to consider establishing, national institutions for the promotion and protection of human rights, including the trend towards establishment of such institutions in developed countries;

5. Endorses the view of the Committee on Economic, Social and Cultural Rights expressed in General Comment No. 10 (1998) (E/1999/22-E/C.12/1998/26, annex V) that national human rights institutions have a potentially crucial role to play in promoting and ensuring the indivisibility and interdependence of all human rights;

6. Calls upon States, in this context, to ensure that all human rights are appropriately reflected in the mandates of national human rights institutions when they are established;

7. Reaffirms the role of national institutions, where they exist, as appropriate agencies, inter alia, for the dissemination of human rights materials and other public information activities during the United Nations Decade for Human Rights Education (1995-2004);

8. Commends the United Nations High Commissioner for Human Rights for the priority accorded to the establishment and strengthening of national human rights institutions, including through technical cooperation, and calls upon the Office of the United Nations High Commissioner for Human Rights to strengthen its coordinating role in this field;

9. Welcomes the initiative of the High Commissioner to consolidate and strengthen the work of her Office in the area of national human rights institutions, including through the allocation of resources, and calls for the continued allocation of the resources necessary for this work;

10. Expresses its appreciation to those Governments which have contributed additional resources for the purpose of the establishment and strengthening of national human rights institutions and invites other Governments to do likewise;

11. Welcomes the important work of the Coordinating Committee of national institutions, in close cooperation with the Office of the High Commissioner, to assist Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

12. Requests the Secretary-General to continue to provide, from within existing resources, the necessary assistance for holding meetings of the Coordinating Committee during the sessions of the Commission, under the auspices of, and in cooperation with, the Office of the High Commissioner;

13. *Also requests* the Secretary-General to continue to provide, from within existing resources and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for regional meetings of national institutions;

14. *Considers* it important for national institutions which conform with the Principles relating to the status of national institutions for the promotion and protection of human rights to be able to participate in an appropriate manner in their own right in meetings of the Commission on Human Rights and its subsidiary bodies;

15. *Notes* the section of the report of the Secretary-General (E/CN.4/1999/95) concerning participation by national institutions in United Nations meetings dealing with human rights, and considers that the arrangement at the Commission which allows national institutions to address the Commission from a special section of the floor set aside specifically for this purpose, behind the nameplate "National Institutions", should be continued;

16. *Welcomes* the decisions to hold the fifth international workshop on national institutions; the fourth Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions; the Third Conference of African National Institutions for the Promotion and Protection of Human Rights; and the third regional meeting of European national institutions within the next year;

17. *Invites* Governments and intergovernmental organizations to contribute to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights for the purpose of financing, where necessary, attendance by representatives of national institutions;

18. *Recognizes* the important and constructive role that non-governmental organizations can play, in cooperation with national institutions, for the better promotion and protection of human rights and, in this context, welcomes the initiative of the Asia-Pacific Forum of National Human Rights Institutions to hold a workshop on cooperation between non-governmental organizations and national human rights institutions in Sri Lanka in June/July 1999;

19. *Requests* the Secretary-General to report to the Commission at its fifty-sixth session on the implementation of the present resolution;

20. *Decides* to continue its consideration of this question at its fifty-sixth session.

59th meeting
28 April 1999
[Adopted without a vote. See chap. XVIII.]

1999/73. Mainstreaming technical cooperation in all areas of human rights

The Commission on Human Rights,

Recalling:

(a) That one of the principal purposes of the United Nations is to achieve international cooperation in promoting and encouraging respect for human rights;

(b) General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as Commission resolution 1998/57 of 17 April 1998,

Recalling also that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23), inter alia:

(a) Calls upon the Office of the United Nations High Commissioner for Human Rights to assume a larger role in the promotion of human rights through cooperation with Member States and by an enhanced programme of advisory services in the field of human rights;

(b) Calls for a substantial expansion of existing voluntary funds for the above purpose; and

(c) Recommends that a comprehensive programme be established within the United Nations in order to help States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law;

Mindful that the mandate of the United Nations High Commissioner for Human Rights includes responsibilities, inter alia, for:

(a) The provision of advisory services and technical and financial assistance at the request of States;

(b) Enhancing international cooperation for the promotion and protection of all human rights;

(c) Coordination of human rights promotion and protection activities throughout the United Nations system; and

(d) Coordination of relevant United Nations education and public information programmes in the field of human rights;

Acknowledging the urgent need for further strengthening the provision of advisory services and technical cooperation by the Office of the High Commissioner,

1. *Declares* that advisory services and technical cooperation provided at the request of Governments with a view to developing national capacities in the field of human rights constitute one of the most efficient and effective means of promoting and protecting all human rights, democracy and the rule of law;

2. *Reaffirms* that developing and strengthening national capacities for the promotion and protection of human rights in accordance with national conditions provides the strongest foundation for effective and enduring international cooperation in the field of human rights;

3. *Emphasizes* the need for mainstreaming technical cooperation activities in all areas of human rights as an essential element of promotional approaches that build capacity and ensure effective solutions;

4. *Reaffirms* that monitoring operations undertaken in the field, in response to grave and massive violations of human rights, must progressively shift to a programme for enhancing national capacities and institutions for the promotion and protection of human rights through advisory services and technical cooperation if interventions in the field are to produce lasting results;

5. *Calls upon* the High Commissioner to include, as an integral part of all monitoring and preventive field operations, "exit strategies" based on the delivery of advisory services and technical cooperation and the building of national capacities;

6. *Affirms* the need for technical cooperation programmes to be grounded in national developmental objectives of the countries concerned and to be aimed at supporting the achievement of national development goals, programmes and policies, in keeping with international human rights standards, utilizing, to the maximum extent possible, national expertise in human rights;

7. *Calls upon* the Office of the High Commissioner to offer advisory services to all countries irrespective of their economic status, keeping in mind the fact that human rights violations occur in all societies and in all parts of the world;

8. *Welcomes* the remarkable increase in the number of requests for advisory services and technical cooperation in the field of human rights as an expression of the growing commitment of States to promote and protect human rights;

9. *Calls upon* the High Commissioner to take urgent measures to develop to the fullest extent the potential of advisory services and technical cooperation for the promotion and protection of all human rights and to accord these activities the highest priority;

10. *Requests* the High Commissioner to examine ways and means by which the visibility and distinct identity of technical cooperation activities can be enhanced, thereby encouraging States in need of assistance in this field to consider making use of advisory services and technical cooperation in order to achieve the full enjoyment of all human rights;

11. Reaffirms the need to utilize, to the maximum extent possible, appropriate expertise available in developing countries for the implementation of technical cooperation projects in a manner that takes advantage of the positive potential of national and regional circumstances;

12. Calls upon the Office of the High Commissioner to prepare and submit to the Commission at its fifty-sixth session a compendium of institutions and resource centres in developing countries specializing in human rights-related activities with a view to promoting South-South cooperation;

13. Also calls upon the Office of the High Commissioner to make available to the Commission on Human Rights on an annual basis details of the persons included on its roster of experts available for technical cooperation activities, to advertise widely in the media, especially in developing countries, its need for such experts and to invite all States to nominate experts for inclusion on the roster;

14. Further calls upon the Office of the High Commissioner to elaborate, in close consultation with States, policy guidelines in the field of technical cooperation aimed at the building of national capacities and institutions;

15. Invites relevant United Nations treaty bodies, special rapporteurs and representatives, as well as working groups, to include in their recommendations proposals for specific projects to be realized under the programme of advisory services and technical cooperation in the field of human rights with a view to contributing to practical change in the human rights situation at the grass-roots level;

16. Invites the Office of the High Commissioner to institutionalize measures for the systematic follow-up of recommendations made by special rapporteurs and independent experts on the provision of advisory services and technical cooperation and for identifying the resources required for the implementation of those recommendations;

17. Reaffirms that effective advisory services and technical cooperation in the field of human rights require the Office of the High Commissioner to play a leadership role and to coordinate activities of United Nations bodies and all specialized agencies active in this field;

18. Urges the Office of the High Commissioner to improve its coordination with United Nations development agencies, within their respective mandates, and to provide advice relating to their activities through advocacy and dissemination of information regarding the critical role that social and economic development and poverty eradication play in any strategy to promote and realize all human rights;

19. Calls upon the Office of the High Commissioner, in cooperation with the United Nations Development Programme, to undertake an information campaign aimed at publicizing the importance of development for the promotion of human rights;

20. Calls upon the High Commissioner to include information on the implementation of the present resolution in her analytical report to the Commission at its fifty-sixth session on the progress and concrete achievements made, as well as obstacles encountered, in the implementation of the programme of advisory services and technical cooperation in the field of human rights;

21. Decides to continue consideration of this subject at its fifty-seventh session.

59th meeting
28 April 1999
[Adopted by a roll-call vote of 27 votes to 19, with 7 abstentions. See chap. XIX.]

1999/74. Assistance to States in strengthening the rule of law

The Commission on Human Rights,

Recalling that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that, as stressed in the Universal Declaration of Human Rights, the rule of law is an essential factor in the protection of human rights and should continue to attract the attention of the international community,

Convinced that through their own national legal and judicial systems States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Office of the United Nations High Commissioner for Human Rights in supporting national efforts to strengthen the institutions of the rule of law,

Bearing in mind that, in its resolution 48/141 of 20 December 1993, the General Assembly entrusted the United Nations High Commissioner for Human Rights with, inter alia, providing, including through other appropriate institutions, advisory services and technical and financial assistance in the field of human rights, enhancing international cooperation for the promotion and protection of all human rights and coordinating human rights activities throughout the United Nations system,

Recalling the recommendation of the World Conference on Human Rights, held at Vienna in 1993, that a comprehensive programme be established within the United Nations and under the coordination of the High Commissioner with a view to helping States in the task of building and strengthening adequate national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law, Recalling also its resolution 1997/48, of 11 April 1997 and noting General Assembly resolution 53/142 of 9 December 1998,

1. Notes with satisfaction the report of the Secretary-General to the General Assembly (A/53/309);

2. Takes note with appreciation of the increasing number of Member States seeking assistance in strengthening and consolidating the rule of law and of the proposals contained in the report of the Secretary-General for strengthening the programme of advisory services and technical cooperation of the Office of the High Commissioner in order to comply fully with the recommendations of the World Conference on Human Rights concerning assistance to States in strengthening their institutions which uphold the rule of law;

3. Praises the efforts made by the Office of the High Commissioner to accomplish its ever-increasing tasks with the limited financial and personnel resources at its disposal;

4. Expresses its deep concern at the scarcity of means at the disposal of the Office of the High Commissioner for the fulfilment of its tasks;

5. Notes that the programme of advisory services and technical cooperation does not have sufficient funds to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends, but which face economic hardship;

6. Welcomes the deepening of the ongoing cooperation between the Office of the High Commissioner and other relevant bodies and programmes of the United Nations system, with a view to enhancing system-wide coordination of assistance in human rights, democracy and the rule of law, and, in this context, takes note of the cooperation between the United Nations Development Programme and the Office of the High Commissioner in providing technical assistance at the request of States in the promotion of the rule of law;

7. Affirms that the United Nations High Commissioner for Human Rights remains the focal point for coordinating system-wide attention for human rights, democracy and the rule of law;

8. Welcomes the consultations and contacts initiated by the High Commissioner with relevant bodies and programmes of the United Nations system aimed at the enhancement of inter-agency coordination and cooperation in providing assistance for the strengthening of the rule of law;

9. Encourages the High Commissioner to pursue those consultations and to continue the dialogue between her Office and other organs and agencies of the United Nations system, taking into account the need to explore new synergies with a view to obtaining increased financial assistance for human rights and the rule of law;

10. Also encourages the High Commissioner to continue to explore the possibility of further contact with and support from financial institutions, acting within their mandates, with a view to obtaining technical and financial

means to strengthen the capacity of the Office of the High Commissioner to provide assistance to national projects aimed at the realization of human rights and the maintenance of the rule of law;

11. Requests the High Commissioner to continue to accord high priority to the technical cooperation activities undertaken by her Office with regard to the rule of law;

12. Expresses its appreciation of the efforts made by the High Commissioner to undertake an analysis of the technical cooperation provided by the United Nations in the field of human rights with the aim of formulating recommendations for inter-agency coordination, funding and allocation of responsibilities in order to improve efficiency and complementarity of action concerning, inter alia, assistance to States in strengthening the rule of law;

13. Decides to continue its consideration of the question of assistance to States in strengthening the rule of law at its fifty-seventh session in the light of the report to be submitted by the Secretary-General to the General Assembly at its fifty-fifth session pursuant to Assembly resolution 53/142 and any relevant information that may be provided by the High Commissioner on this matter.

59th meeting
28 April 1999
[Adopted without a vote. See chap. XIX.]

1999/75. Assistance to Somalia in the field of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and other relevant human rights instruments,

Recalling its resolution 1998/59 of 17 April 1998, in which it invited the independent expert, inter alia, to study ways and means of how best to implement, at the earliest possible date, a programme of advisory services for Somalia through the contributions of agencies and programmes of the United Nations,

Noting with concern that the persisting lack of a central authority and the ongoing armed conflict in Somalia have exacerbated the grave situation of human rights in the country,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems,

Considering, as stated by the independent expert, that the people of Somalia should not be abandoned by the international community and that human rights should be placed on the agenda of talks regarding the future of Somalia,

1. Welcomes:

(a) The report of the independent expert (E/CN.4/1999/103) and, in particular, her conclusions and recommendations;

(b) The efforts made by the United Nations, the Organization of African Unity, the League of Arab States, the European Union, the Organization of the Islamic Conference and the Movement of Non-Aligned Countries and in particular the coordinated approach promoted by the countries of the Inter-governmental Authority on Development and the Inter-governmental Authority Partners' Forum in favour of peace, national reconciliation, unity and reconstruction of the State in Somalia and expresses its wish that human rights issues be integrated in that context;

(c) The integration of human rights issues by a number of United Nations agencies in their programmes, as reported by the independent expert;

2. Takes note with concern of the addendum to the report of the independent expert (E/CN.4/1999/103/Add.1), which contains a preliminary assessment of mass graves in the vicinity of Hargeisa, in north-west Somalia;

3. Expresses deep concern at reports of arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment and violence, in particular against women and children, and at the absence of an effective judicial system, essential to ensure the right to a fair trial in accordance with international standards;

4. Condemns:

(a) The widespread violations and abuses of human rights and humanitarian law, in particular against minorities, women and children;

(b) Any violation of international law on armed conflicts, including acts of violence such as hostage-taking and abduction, particularly of humanitarian relief workers;

5. Strongly urges all parties in Somalia:

(a) To respect human rights and international humanitarian law pertaining to internal armed conflict;

(b) To support, as recommended by the independent expert, the re-establishment of the rule of law throughout the country, in particular by applying internationally accepted criminal justice standards;

(c) To protect United Nations personnel, humanitarian relief workers and representatives of non-governmental organizations and of the international media, and guarantee all persons involved in humanitarian action safe and unhindered access to civilians in need of protection and humanitarian assistance;

6. _Calls upon_:

(a) All parties to the conflict in Somalia to work towards a peaceful solution to the crisis;

(b) Subregional, regional and international organizations and concerned countries to continue and intensify the coordinated efforts aimed at facilitating the national reconciliation process in Somalia, aware of the fact that the peaceful coexistence of all parties and groups is an important foundation for the respect of human rights;

(c) Individual donor countries, international organizations and non-governmental organizations further to incorporate human rights principles and objectives in the humanitarian and development work they carry out in Somalia and to cooperate with the independent expert;

7. _Commends_ the work carried out by the independent expert, particularly in assessing the means necessary to establish a programme of advisory services and technical assistance through, _inter alia_, the contribution of agencies and programmes of the United Nations in the field, as well as of the non-governmental sector, and requests her to report on the human rights situation in Somalia to the Commission at its fifty-sixth session;

8. _Welcomes_ the decision of the United Nations High Commissioner for Human Rights to appoint a human rights officer in the framework of the office of the United Nations Resident Humanitarian Coordinator for Somalia, and stresses the importance of implementing that decision;

9. _Requests_ the Secretary-General to continue to provide the independent expert with all necessary assistance in carrying out her mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the High Commissioner for the implementation of advisory services and technical assistance;

10. _Invites_ Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

11. _Decides_ to continue consideration of the question at its fifty-sixth session under the same agenda item.

59th meeting
28 April 1999
[Adopted without a vote. See chap. XIX.]

1999/76. Situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed in Paris on 23 October 1991, including Part III relating to human rights,

Recalling also its resolution 1998/60 of 17 April 1998, General Assembly resolution 53/145 of 9 December 1998 and previous relevant resolutions,

Recognizing that the tragic history of Cambodia requires special measures to assure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris in 1991,

Desiring that the international community continue to respond positively to assist efforts to investigate Cambodia's tragic history, including responsibility for past international crimes, such as acts of genocide and crimes against humanity,

Aware of the legitimate concern of the Government and people of Cambodia in the pursuit of internationally accepted principles of justice and of national reconciliation,

Recognizing that accountability of individual perpetrators of grave human rights violations is one of the central elements of any effective remedy for victims of human rights and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia,

1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. Welcomes the report of the Secretary-General (E/CN.4/1999/100) concerning the role of the Office of the High Commissioner in assisting the Government and people of Cambodia in the important work of promoting and protecting human rights in Cambodia and encourages the Government of Cambodia to continue to cooperate with the Office, and requests the Government of Cambodia and the United Nations High Commissioner for Human Rights to enter into discussion with a view to renewing the memorandum of understanding on the programme including technical assistance of the office in Cambodia;

3. Also welcomes the report of the Special Representative on the situation of human rights in Cambodia (E/CN.4/1999/101), and notes in particular his concerns about the problem of impunity, the independence of the judiciary and the establishment of the rule of law, and the need for the reform of the police and the military;

4. Urges the Government of Cambodia to undertake further necessary measures to develop an independent, impartial and effective judicial system, including the early adoptions of the draft statute on magistrates, a penal code and a code on criminal procedures, as well as the reform of the administration of justice, and appeals to the international community to assist the Government of Cambodia to this end;

5. Commends the efforts by the Government of Cambodia for the review of and the resolve to downsize the police and the military, urges further appropriate measures by the Government of Cambodia to carry out effective reform aiming towards smaller, depoliticized and impartial police and military forces, and invites the international community to assist the Government of Cambodia to this end;

6. Encourages the Government of Cambodia to continue to work with non-governmental organizations in efforts to strengthen and uphold human rights in Cambodia, in recognition of the vital and valuable role played by non-governmental organizations in the development of civil society in Cambodia;

7. Notes with interest the activities undertaken by the governmental Cambodian Human Rights Committee and the National Assembly Commission on Human Rights and Reception of Complaints, encourages them to base their work on the international human rights standards, welcomes efforts to establish an independent national human rights commission, which should be based on the international standards, and requests the Office of the High Commissioner to provide advice and technical assistance for these goals;

8. Welcomes the decisions by the Government of Cambodia to register a number of labour unions, notes with interest the enactment of the new labour law that recognizes labour rights and the new International Labour Organization Programme to improve the implementation of the labour law in the Cambodian textiles and apparel industry, and calls upon the Government of Cambodia to continue to ensure labour rights;

9. Expresses grave concern about numerous instances of violations of human rights, including extrajudicial executions, torture, illegal arrest and detention, and violence in relation to political activities, as detailed in the reports of the Special Representative, and calls upon the Government of Cambodia to investigate urgently and prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated these human rights violations;

10. Also expresses grave concern at the situation of impunity in Cambodia and stresses that addressing the continuing problem of impunity, including the repeal of article 51 of the 1994 Law on Civil Servants and

bringing to justice those responsible for human rights violations, together with ensuring security of the person and the rights of association, assembly and expression, remains a matter of critical and urgent priority;

11. Stresses the importance of the upcoming communal elections being conducted in a free and fair manner, and urges the Government of Cambodia to prepare for the communal elections accordingly;

12. Reaffirms that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, notes with interest the final collapse of the Khmer Rouge which has paved the way for the investigation and prosecution of their leaders, but notes with concern that no Khmer Rouge leader so far has been brought to account for his crimes;

13. Takes note with appreciation of the report submitted by the Group of Experts appointed by the Secretary-General, in response to the request by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law by the Khmer Rouge (A/53/850-S/1999/231, annex), evaluating the existing evidence and proposing further measures as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability;

14. Strongly appeals to the Government of Cambodia to take all necessary measures to ensure that those who are most responsible for the most serious violations of human rights are brought to account in accordance with the international standards of justice, fairness and due process of law, bearing in mind the report of the Group of Experts and the Secretary-General's letters to the President of the General Assembly and the President of the Security Council dated 15 March 1999 (A/53/850-S/1999/231), and encourages the Government of Cambodia and the international community to continue to cooperate for this purpose;

15. Welcomes the recent adoption of a five-year action plan by the Government of Cambodia, in particular by the Ministry of Women's Affairs and Veterans, as well as other measures taken by the Government of Cambodia to improve the status of women, and urges the Government of Cambodia to continue to take appropriate measures, including seeking technical assistance, to eliminate discrimination against women, including in the political and public life of the country, to combat violence against women in all its forms, and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women;

16. Commends the efforts of the Government of Cambodia, together with non-governmental organizations and the local authorities, to improve the quality of and access to education, and calls for further measures to be taken in order to ensure the right of Cambodian children to education, especially at the primary level, in accordance with the Convention on the Rights of the Child;

17. Notes with serious concern the health status of children and the prevalence of child labour, child prostitution and trafficking in Cambodia, calls on the Government of Cambodia to ensure adequate health and safety conditions for children, to combat child prostitution and trafficking and to

outlaw the worst forms of child labour and, in this context, invites the International Labour Organization to continue to extend necessary assistance;

18. Also notes with serious concern the prison conditions in Cambodia, commends the continued international assistance to improve the material conditions of detention and calls upon the Government of Cambodia to take necessary measures to improve the prison conditions, especially to provide the minimum standard of food and health care;

19. Condemns the use of racist rhetoric and acts of violence against ethnic minorities, especially Cambodians of Vietnamese ethnicity, urges an end to racial violence and vilification, urges the Government of Cambodia to take all steps to meet its obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination and encourages the international community to provide the technical assistance for this purpose;

20. Welcomes the recent actions by the Government of Cambodia to combat illicit logging, which seriously threatens the full enjoyment of economic, social and cultural rights by many Cambodians including indigenous people, and calls upon the Government of Cambodia to take further appropriate measures to protect those affected in the context of forestry management and land law;

21. Commends the efforts of the Government of Cambodia, the Government of Thailand and the Office of the United Nations High Commissioner for Refugees in regard to the successful completion of the voluntary repatriation of Cambodian refugees from Thailand, and encourages the Government of Cambodia to further pursue its measures towards the reintegration and rehabilitation of the returnees;

22. Notes with appreciation the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the United Nations High Commissioner for Human Rights as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing funds to the Trust Fund;

23. Expresses grave concern at the devastating consequences and destabilizing effects of the use of anti-personnel landmines on Cambodian society, welcomes the efforts of the Government of Cambodia to continue its work and support for the removal of these mines, including the work of the Cambodian Mine Action Centre, commends donor countries for their contributions and assistance to the Centre and urges the Government of Cambodia to give priority to banning all anti-personnel landmines;

24. Requests the Secretary-General to report to the Commission at its fifty-sixth session on the role and achievement of the Office of the High Commissioner in assisting the Government and people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

25. *Decides* to continue its consideration of the situation of human rights in Cambodia at its fifty-sixth session under the agenda item entitled "Advisory services and technical cooperation in the field of human rights".

59th meeting
28 April 1999
[Adopted without a vote. See chap. XIX.]

1999/77. *Situation of human rights in Haiti*

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights and other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,

Reaffirming that all Member States have the obligation to promote human rights and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling its resolution 1998/58 of 17 April 1998 and General Assembly resolution 53/159 of 9 December 1998,

Having in mind the report of the Secretary-General on the situation of democracy and human rights in Haiti (A/53/564), and his report on the technical cooperation programme in Haiti (A/53/530),

Recognizing the important contributions of the International Civilian Mission to Haiti whose mandate has been extended until 31 December 1999, the United Nations Support Mission in Haiti, the National Commission for Truth and Justice, the United Nations Transition Mission in Haiti, terminated on 30 November 1997, and the United Nations Civilian Police Mission in Haiti, whose mandate has been extended until 30 November 1999, to the task of restoring and strengthening democracy in Haiti and of establishing a climate of freedom and tolerance conducive to respect for human rights in that country,

Recognizing also the interdependence and the mutual reinforcement between democracy, development and respect for human rights and fundamental freedoms and the commitment of the international community to supporting, strengthening and promoting this principle,

Expressing its concern over the lack of a functioning legislature and over the lack of fully independent local governments,

Noting with interest that the Supreme Court has been seized of the question of the status of parliamentarians and local government authorities and will pronounce itself shortly on this matter, which has been pending since 11 January 1999, *Also noting with interest* the establishment, following consultations among the political leadership in Haiti of a new Government, having as its principal expressed goal the holding of early, free and fair elections,

Welcoming the Government's stated determination that it and its servants will remain politically neutral throughout the electoral process,

Welcoming also the naming of a new provisional electoral council,

Welcoming further the improvements effected in the human rights situation in Haiti since the restoration of its democratic regime and noting the declarations by the Haitian authorities to the effect that the Government of that country remains committed to upholding human rights,

Indicating its concern at the security problems faced by Haitian society, some of which are due to the difficult social and economic conditions of that society, and which both account for and result from the limitations of the judicial and police systems, as indicated in the reports of the independent expert,

Reiterating its satisfaction at the invitation to visit the country addressed by the Government of Haiti to the Special Rapporteur on violence against women, its causes and consequences,

1. *Thanks* the Secretary-General, his Special Representative for Haiti and the independent expert of the Commission on the situation of human rights in Haiti for their unremitting efforts on behalf of the consolidation of democratic institutions in Haiti and respect for human rights in that country;

2. *Notes with gratitude* the report on the situation of human rights in Haiti submitted to the General Assembly by the independent expert of the Commission, Mr. Adama Dieng (A/53/355), and the recommendations contained therein and welcomes, in particular, his analysis of and attention to the issues affecting the enjoyment by women in Haiti of their human rights, in particular violence against women;

3. *Invites* the Government of Haiti to ratify the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Optional Protocols to the International Covenant on Civil and Political Rights;

4. *Reaffirms* the importance, for the realization of a genuine and effective process of transition and national reconciliation, of the investigations undertaken by the National Commission for Truth and Justice, and once again urges the Government of Haiti to institute legal proceedings against the perpetrators of human rights violations identified by the Commission for Truth and Justice and to create effective facilities for support to the victims, particularly women, children and members of their families;

5. *Strongly supports* the intention that the people of Haiti be able to express their political will through free and fair elections, in conditions of security, as soon as possible, and in this connection invites the

Government of Haiti to pursue its consultations with political parties and civil society, in a spirit of political pluralism, with a view to democratically filling the institutional void which has existed since 11 January 1999;

6. Expresses its concern at the lack of substantive progress on reform of the judicial system and urges the new Government to proceed with the programme of action worked out at the Law and Justice Reform Seminar of 6 July 1998, as a means of strengthening the promotion and protection of human rights and encouraging broad participation in the elections;

7. Urges the Government of Haiti to improve the overall conditions in prisons, inter alia medical care;

8. Calls upon the Government of Haiti, in collaboration with the international community and women's groups, to put in place measures to address violence against women, including the development of training programmes for judicial and legal personnel, and the incorporation of the human rights of women in all levels of the education system;

9. Also calls upon the Government of Haiti to continue structural reforms in the police and justice sectors, to investigate politically motivated crimes properly and prosecute perpetrators of such crimes in accordance with Haitian law, and to take vigorous action to eliminate any continuing human rights violations, including illegal arrests and detentions;

10. Commends the Haitian National Police for its professional and apolitical behaviour during the political crisis, and encourages continuation of such behaviour during the electoral process;

11. Draws attention to the need for the Haitian National Police to continue receiving technical training to enable it to perform its functions efficiently, within a framework of respect for human rights;

12. Commends the United Nations Civilian Police Mission in Haiti for its successful mentoring of the Haitian National Police and underscores the importance of developing a suitable replacement when the mandate of the Mission expires on 30 November 1999;

13. Welcomes the report of the Secretary-General on the programme of technical cooperation in Haiti, which the Office of the United Nations High Commissioner for Human Rights is conducting for the purpose of strengthening institutional capacity in that field and especially in the areas of legislative reform, training of justice administration personnel and human rights education, and requests the Secretary-General to submit a further report on the implementation of the programme to the Commission at its fifty-sixth session;

14. Commends the efforts of the United Nations/Organization of American States International Civilian Mission in Haiti in monitoring human rights and promoting democratic reform and assisting the Haitian authorities in the field of institution-building, as well as the United Nations Development Programme for technical assistance to the Haitian National Police;

15. Invites the United Nations High Commissioner for Human Rights to contribute to the strengthening of the Office of Protection of the Citizen, through a programme of technical cooperation;

16. Invites the international community, including the Bretton Woods institutions, to continue their involvement in the reconstruction and development of Haiti, having regard to the continuing fragility of the country's political, economic and social situation;

17. Reiterates once again its invitation to the Special Rapporteur on violence against women, its causes and consequences, to consider favourably the invitation by the Government of Haiti to visit the country;

18. Invites the independent expert to report to the General Assembly at its fifty-fourth session and to the Commission on Human Rights at its fifty-sixth session on developments in the human rights situation in Haiti;

19. Decides to continue its consideration of this question at its fifty-sixth session under the agenda item entitled "Advisory services and technical cooperation in the field of human rights".

59th meeting
28 April 1999
[Adopted without a vote. See chap. XIX.]

1999/78. Racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Reaffirming the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms and racial discrimination, and its conviction that racism and racial discrimination constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling General Assembly resolution 52/111 of 12 December 1997 in which the Assembly decided to convene a world conference against racism, racial discrimination, xenophobia and related intolerance, to be held not later than 2001,

Recalling that, in resolution 52/111, the General Assembly decided that the Commission on Human Rights would serve as preparatory committee for the World Conference,

Taking note of General Assembly resolution 53/132 of 9 December 1998, in which the Assembly requested the Commission to submit, through the Economic and Social Council, before the conclusion of the fifty-third session of the Assembly, a substantive proposal for the date and place of the World Conference,

Reaffirming its resolution 1998/26 of 17 April 1998, in which it recommended that the activities of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination should be focused on the preparatory process for the World Conference,

Recalling the recommendations of the two World Conferences to Combat Racism and Racial Discrimination, held in Geneva in 1978 and 1983,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23), which call for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance,

Deeply concerned that, despite continuing efforts, contemporary forms of racism, racial discrimination, any form of discrimination against, inter alia, Blacks, Arabs and Muslims, xenophobia, Negrophobia, anti-Semitism and related intolerance persist and are even growing in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Particularly alarmed at the rise of racist and xenophobic ideas in political circles, in the sphere of public opinion and in society at large,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and their families,

Reaffirming, in this regard, the responsibility of Governments for safeguarding and protecting the rights of individuals residing in their territory against crimes perpetrated by racist or xenophobic individuals or groups,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

Deeply concerned about the fact that the phenomenon of racism and racial discrimination against migrant workers continues to increase despite efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Taking note with satisfaction of the report of the Working Group of Intergovernmental Experts on the Human Rights of Migrants (E/CN.4/1999/80),

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades for Action to Combat

Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be victims of varied forms of racism and racial discrimination,

Noting also with grave concern that, despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase,

Deeply concerned that those advocating racism and racial discrimination misuse new communication technologies, including the Internet, to disseminate their repugnant views,

Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Recalling General Assembly resolution 48/91 of 20 December 1993, in which the Assembly proclaimed the Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and adopted the Programme of Action proposed for the Decade,

Having examined the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1999/15 and Add.1),

Observing that the manifestations of contemporary forms of racism, racial discrimination, xenophobia and related intolerance bode ill for the international community, that racist propaganda and incitement to racial hatred are spreading and that racism is taking increasingly violent forms,

Stressing the need to recognize that acts of violence motivated by racial discrimination and xenophobia are crimes punishable by law,

Also stressing the importance of urgently eliminating growing and violent trends of racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such crimes, and requires resolute action and cooperation for its eradication,

I

General

1. *Expresses its profound concern at and unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and related intolerance, as well as all propaganda activities and organizations which attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

2. *Declares* that racism and racial discrimination are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

3. Underlines the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

4. Expresses its deep concern at and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families and other vulnerable groups in many societies;

5. Calls upon all States to review and, where necessary, revise their immigration policies which are inconsistent with international human rights instruments with a view to eliminating all discriminatory policies and practices against migrants;

6. Condemns all forms of racial discrimination and xenophobia as regards access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public;

7. Categorically condemns any role played by some print, audio-visual or electronic media in inciting acts of violence motivated by racial hatred;

8. Urges Governments to take all necessary measures against incitement to racial hatred, including through print, audio-visual and electronic media;

9. Calls upon all States, where appropriate, to strengthen their national legislation and institutions for the promotion of racial harmony and notes the conclusions and recommendations of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in this regard, including those on the importance of integration of vulnerable groups in mainstream societies;

10. Invites all States, in their efforts aimed at promoting racial harmony, to involve, or, as necessary, to establish, national institutions and other appropriate organizations;

11. Welcomes the active role played by non-governmental organizations in combating racism and assisting individual victims of racist acts;

12. Invites all Governments to take measures, where possible, to provide assistance and rehabilitation to victims of acts of racism, racial discrimination, xenophobia and related intolerance;

13. Encourages the mass media to promote ideas of tolerance and understanding among peoples and between different cultures;

14. Takes note with interest of general recommendation XV (42) of 17 March 1993 of the Committee on the Elimination of Racial Discrimination on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, in which the Committee concluded that the prohibition of the dissemination of all ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as embodied in article 19 of the Universal Declaration of Human Rights and recalled in article 5 of the Convention;

II

Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

15. Regrets the continued lack of interest, support and financial resources for the Third Decade and the Programme of Action, and that very few of the activities planned for the period 1994-1998 were carried out;

16. Recognizes the laudable and generous efforts by donors that have made contributions to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination, but feels that these financial contributions have proved inadequate and that the General Assembly should consider all ways and means of financing the Programme of Action, including through the United Nations regular budget;

17. Recommends that the General Assembly, through the Economic and Social Council, should request the Secretary-General to assign high priority to the activities of the Programme of Action and to earmark adequate resources to finance the activities of the Programme;

18. Warmly calls upon all Governments, United Nations bodies, the specialized agencies and intergovernmental organizations, as well as interested non-governmental organizations, to contribute fully to the effective implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination;

19. Strongly appeals to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund, and, to this end, requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

20. Welcomes the establishment of the racism project team in the Office of the United Nations High Commissioner for Human Rights with a view to coordinating all activities of the Third Decade;

21. Affirms its determination to combat violence stemming from intolerance on the basis of ethnicity, which it considers to be as particularly serious a problem as violence based on racism, racial discrimination, xenophobia and related intolerance;

22. Requests all States to encourage the reporting of all acts motivated by racism, racial discrimination, xenophobia or ethnic reasons in order to facilitate the necessary inquiries and bring the persons who commit such acts to trial;

23. Recommends that States give priority to education as a principal means of preventing and eradicating racism and racial discrimination and of creating awareness of the principles of human rights, particularly among young people, and to the training of law enforcement personnel, inter alia, through the promotion of tolerance and respect for cultural diversity;

24. *Calls upon* all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority;

III

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

25. *Takes note with satisfaction* of the report of the Special Rapporteur (E/CN.4/1999/15 and Add.1);

26. *Expresses its full support and appreciation* for the work of the Special Rapporteur and for its continuation;

27. *Requests* the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

28. *Calls upon* all Governments, intergovernmental organizations and other relevant organizations of the United Nations system, as well as non-governmental organizations, to supply information to the Special Rapporteur;

29. *Urges* all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination against, *inter alia*, Blacks, Arabs and Muslims, xenophobia, Negrophobia, anti-Semitism and related intolerance;

30. *Requests* the Special Rapporteur to make the fullest use of all appropriate sources of information, including country visits and evaluation of the mass media, and to elicit responses from Governments with regard to allegations;

31. *Commends* those States that have so far invited and received the Special Rapporteur;

32. *Invites* the Governments of the States so far visited to consider ways to implement the recommendations contained in the reports of the Special Rapporteur and requests the Special Rapporteur to include in his report to the Commission at its fifty-sixth session, under the same agenda item, information on the measures taken to implement those recommendations, and to undertake follow-up visits, if necessary;

33. *Notes with concern* the increase in the use of new communications technologies, in particular the Internet, to disseminate racist ideas and incite racial hatred;

34. Notes that the use of such technologies can contribute to combating racism, racial discrimination, xenophobia and related intolerance, for example through the creation of Internet sites to disseminate anti-racist and anti-xenophobic messages;

35. Requests the United Nations High Commissioner for Human Rights to undertake research and consultations on the use of the Internet for purposes of incitement to racial hatred, racist propaganda and xenophobia, to study ways of promoting international cooperation in this area, and to draw up a programme of human rights education and exchanges over the Internet on experience in the struggle against racism, xenophobia and anti-Semitism;

36. Urges the High Commissioner to provide those countries which were visited by the Special Rapporteur, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

IV

International Convention on the Elimination of All Forms of Racial Discrimination

37. Appeals to those States that have not yet done so to consider ratifying or acceding to the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education, and calls upon the States that have done so to implement them;

38. Recommends that the issue of universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination as well as the reservations thereto and the question of recognition of the competence of the Committee on the Elimination of Racial Discrimination to receive individual complaints be considered at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

39. Calls upon States parties that have not submitted initial or periodic reports in accordance with article 9 of the Convention to do so;

40. Urges States to limit the extent of any reservations they lodge to the International Convention on the Elimination of All Forms of Racial Discrimination and to formulate any reservation as precisely and as narrowly as possible, while ensuring that no reservation is incompatible with the object and purpose of the Convention or otherwise contrary to international law;

41. Calls upon States parties to the Convention, as appropriate, to adopt immediately positive measures aimed at the elimination of all forms of racial discrimination, xenophobia and related intolerance;

42. Requests the States parties to the Convention that have not yet done so to consider the possibility of making the declaration provided for in article 14 of the Convention;

43. Invites the States parties to ratify the amendment to article 8 of the Convention on the Financing of the Committee on the Elimination of Racial Discrimination;

V

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

44. Takes note of the report of the United Nations High Commissioner for Human Rights on racism, racial discrimination, xenophobia and all forms of discrimination relating, in particular, to the objectives of the World Conference (E/CN.4/1999/12);

45. Takes note with satisfaction of the report of the sessional open-ended Working Group (E/CN.4/1999/16 and Corr.1 and 2), which it established by its resolution 1998/26 to review and formulate proposals to be submitted to it for possible forwarding to the first session of the Preparatory Committee of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

46. Decides to submit this report to the first session of the Preparatory Committee of the World Conference, bearing in mind that some of the provisions which it contains might be amended or supplemented;

47. Also decides, in accordance with General Assembly resolution 52/111, which indicates that the Commission on Human Rights will act as the Preparatory Committee:

(a) That the sessions of the Preparatory Committee scheduled in 2000 and 2001 will be headed by the same bureau composed of 10 members, i.e. 2 representatives per regional group, in order to ensure continuity and the adequate representation of all Member States of the United Nations;

(b) To recommend to the General Assembly, through the Economic and Social Council, that the World Conference and the sessions of the Preparatory Committee should be open to participation by:

- (i) All States members of the United Nations and specialized agencies;
- (ii) All regional organizations and commissions involved in the preparation of regional meetings;
- (iii) Representatives of organizations which have received from the General Assembly a standing invitation to participate as observers;
- (iv) Specialized agencies, secretariats of the regional commissions and all United Nations bodies and programmes;
- (v) Representatives of all United Nations mechanisms in the field of human rights;

(vi) Other interested governmental organizations, which shall be represented by observers;

(vii) Interested non-governmental organizations to be represented by observers in accordance with Economic and Social Council resolution 1996/31 of 25 July 1996;

48 Recommends to the General Assembly, through the Economic and Social Council, that, if no offer is made to the High Commissioner for hosting the World Conference by the end of the first session of the Preparatory Committee to be held in the year 2000:

(a) That the World Conference should be held in Geneva;

(b) That the World Conference should be held in the year 2001, but after the session of the Commission on Human Rights and before that of the General Assembly;

49. Requests the High Commissioner:

(a) To prepare, immediately following the fifty-fifth session of the Commission, the questionnaires referred to in the report of the Working Group with a view, on the one hand, to reviewing progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, particularly since the adoption of the Universal Declaration of Human Rights, and, on the other, to reappraise the obstacles to further progress in the field and ways to overcome them, and to send them as soon as possible to States, specialized agencies, international governmental and non-governmental organizations and national institutions;

(b) To review and analyse the replies and submit a report to the first session of the Preparatory Committee six weeks before the beginning of its work;

(c) To open an Internet site on the preparations for the World Conference in close cooperation with the Department of Public Information;

50. Also requests the High Commissioner, in her capacity as Secretary-General of the World Conference, to prepare and carry out, in close cooperation with the Department of Public Information, an effective world information campaign with a view to mobilization and support for the objectives of the World Conference by all sectors of political, economic, social and cultural life, as well as other interested sectors;

51. Further requests the High Commissioner to include, inter alia, in her strategy for informing international public opinion and sensitizing it to the objectives of the World Conference:

(a) The appointment of renowned ambassadors from the entertainment, arts, culture, sports and musical worlds and any other field who might mobilize the attention of civil society;

(b) An invitation to the sports world to cooperate actively as a partner in the World Conference;

(c) Additional private-sector funding through sponsoring;

(d) The need to ensure full coverage of preparatory activities and the World Conference by the media by making full use of the services of United Nations Information Centres;

(e) Sending all Governments, international governmental organizations, non-governmental organizations and national institutions information handbooks and pamphlets that can be made available to the public and the media, as well as to United Nations Information Centres;

52. *Urges* all States, United Nations bodies, international, regional and subregional governmental organizations, non-governmental organizations and any interested body to support the High Commissioner and the Department of Public Information and give them full and complete cooperation for the coordination of information activities;

53. *Requests* the High Commissioner to set up a voluntary fund designed specifically to cover all aspects of the preparatory process for the World Conference and the participation of non-governmental organizations, especially from developing countries, and requests all Governments, international organizations, non-governmental organizations and private individuals to contribute to this Fund;

54. *Also requests* the High Commissioner to undertake appropriate consultations with non-governmental organizations on the possibility that they might hold a forum before and partly during the World Conference and, insofar as possible, to provide them with technical assistance for that purpose;

55. *Calls upon* the High Commissioner to help States and regional organizations, on request, to convene national and regional meetings or to undertake other initiatives, including at the expert level, to prepare for the World Conference, and also urges the specialized agencies and the United Nations regional economic commissions, in coordination with the High Commissioner, to contribute to the holding of regional preparatory meetings;

56. *Requests* the Secretary-General, the United Nations specialized agencies and the regional economic commissions to provide financial and technical assistance for the organization of the regional preparatory meetings planned in the context of the World Conference and stresses that such assistance should be supplemented by voluntary contributions;

57. *Recommends* that the regional preparatory processes should include the campaign for information and sensitization of public opinion to the objectives of the World Conference on their agenda;

58. *Requests* the regional preparatory processes to identify trends, priorities and obstacles at the national and regional levels, to formulate specific recommendations for the action to be carried out in future to combat racism, racial discrimination, xenophobia and related intolerance and to submit to the Preparatory Committee, by its 2001 session at the latest, the conclusions of these regional preparatory processes;

59. Calls upon the regional preparatory meetings to present to the Preparatory Committee, through the High Commissioner, reports on the results of their deliberations, with concrete and pragmatic recommendations aimed at combating racism, racial discrimination, xenophobia and related intolerance, which will be duly reflected in the texts of the draft final documents of the World Conference to be prepared by the Committee;

60. Invites Governments to promote the participation of national institutions and local non-governmental organizations in the preparations and in regional meetings and to organize debates in national parliaments on the objectives of the World Conference;

61. Invites United Nations bodies and mechanisms dealing with the question of racism, racial discrimination, xenophobia and related intolerance, the Committee on the Elimination of Racial Discrimination, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Special Rapporteurs concerned to participate actively in the preparatory process with a view to ensuring the success of the World Conference and to coordinate their activities in this regard with the assistance of the High Commissioner;

62. Requests the Sub-Commission to undertake a study on ways of making United Nations activities and mechanisms in the context of programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance more effective;

63. Requests the High Commissioner:

(a) To undertake a study to be submitted to the first session of the Preparatory Committee on ways of improving coordination between the Office of the United Nations High Commissioner for Human Rights and all specialized agencies and international, regional and subregional organizations in the field of action to combat racism, racial discrimination, xenophobia and related intolerance;

(b) To help the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to carry out a study on preventive measures relating to ethnic, racial, religious and xenophobically motivated conflicts and to formulate recommendations intended for the first session of the Preparatory Committee;

(c) To invite the Special Rapporteur on religious intolerance to participate actively in the preparatory process and in the World Conference by initiating studies on action to combat incitement to hatred and religious intolerance;

64. Takes note of decision 9 (53) of the Committee on the Elimination of Racial Discrimination of 21 August 1998 containing preliminary ideas on the World Conference and of the six studies submitted to the Working Group set up to formulate recommendations for the first session of the Preparatory Committee (E/CN.4/1999/WG.1/BP.6 to BP.11);

65. Requests the High Commissioner:

(a) To review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them with a view to submitting her conclusions to the Preparatory Committee;

(b) To organize an international seminar of experts on the remedies available to the victims of acts of racism, racial discrimination, xenophobia and related intolerance and on good national practices in this field, which will be financed by voluntary contributions, to encourage other activities, particularly seminars forming part of the preparations for the World Conference, and to submit the recommendations of these seminars to the Preparatory Committee;

66. Recommends that the World Conference should adopt a declaration and a programme of action to combat racism, racial discrimination, xenophobia and related intolerance;

67. Stresses the importance of systematically adopting a gender-based approach throughout the preparations for and in the outcome of the World Conference;

68. Recommends that the particular situation of children should receive special attention during the preparations for and during the World Conference itself, especially in its outcome;

69. Requests the High Commissioner to draw up a draft agenda for the first session of the Preparatory Committee;

70. Requests the Secretary-General to submit a report to the Commission at its fifty-sixth session on the implementation of the present resolution under the agenda item entitled "Racism, racial discrimination, xenophobia and all forms of discrimination";

71. Decides to continue its consideration of this question at its fifty-sixth session under the same agenda item.

59th meeting
28 April 1999
[Adopted without a vote. See chap. VI.]

1999/79. The right to development

The Commission on Human Rights,

Guided by the Charter of the United Nations, expressing in particular the determination to promote social progress and better standards of life in larger freedom as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples, *Recalling* that the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986 confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals, who make up nations,

Noting that the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights,

Recognizing that the Declaration on the Right to Development constitutes an integral link between the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action (A/CONF.157/23) through its elaboration of a holistic vision integrating economic, social and cultural rights with civil and political rights,

Expressing its concern, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, that the unacceptable situation of absolute poverty, hunger, disease, lack of adequate shelter, illiteracy and hopelessness remains the lot of over 1 billion people,

Emphasizing that the promotion, protection and realization of the right to development are an integral part of the promotion and protection of all human rights,

Noting that the human person is the central subject of development and that development policy should therefore make the human being the main participant and beneficiary of development,

Stressing the importance of creating an economic, political, social, cultural and legal environment that will enable people to achieve social development,

Affirming the need to apply a gender perspective in the implementation of the right to development, *inter alia* by ensuring that women play an active role in the development process,

Emphasizing that the empowerment of women and their full participation on a basis of equality in all spheres of society is fundamental for development,

Underlining the fact that realization of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Welcoming in this regard the adoption by the General Assembly of the Agenda for Development, annexed to its resolution 51/240 of 20 June 1997, which declares that development is one of the main priorities of the United Nations and which aims at invigorating a renewed and strengthened partnership for development, based on the imperatives of mutual benefits and genuine interdependence, Noting with concern that the Declaration on the Right to Development is insufficiently disseminated and should be taken into account, as appropriate, in bilateral and multilateral cooperation programmes, national development strategies and policies, and activities of international organizations,

Recalling the need for coordination and cooperation throughout the United Nations system for a more effective promotion and realization of the right to development,

Underlining the important role of the United Nations High Commissioner for Human Rights in the promotion and protection of the right to development, as mandated in paragraph 4 (c) of General Assembly resolution 48/141 of 20 December 1993,

Recalling its resolution 1998/72 of 22 April 1998 and noting General Assembly resolution 53/155 of 9 December 1998,

Taking note with interest of the report of the Intergovernmental Group of Experts (E/CN.4/1998/29), including the proposed strategy contained therein, and welcoming in particular the recommendation that a follow-up mechanism be established to ensure promotion and implementation of the Declaration on the Right to Development,

1. Reaffirms the importance of the right to development for every human person and all peoples in all countries, in particular the developing countries, as an integral part of their fundamental human rights as well as the potential contribution its realization could make to the full enjoyment of human rights and fundamental freedoms;

2. Recognizes that the fiftieth anniversary of the Universal Declaration of Human Rights provides an important opportunity to place all human rights - and, in this context, the right to development in particular - at the top of the global agenda;

3. Reiterates that:

(a) The essence of the right to development is the principle that the human person is the central subject of development and that the right to life includes within it existence in human dignity with the minimum necessities of life;

(b) The existence of widespread absolute poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

(c) For peace and stability to endure, national action and international action and cooperation are required to promote a better life for all in larger freedom, a critical element of which is the eradication of poverty;

4. Reaffirms that democracy, development and respect for human rights and fundamental freedoms, including the right to development, are interdependent and mutually reinforcing, and in this context affirms that:

(a) Development experiences of countries reflect differences with regard to both progress and setbacks, and that the development spectrum has a wide range, not only between countries but also within countries;

(b) A number of developing countries have experienced rapid economic growth in the recent past and have become dynamic partners in the international economy;

(c) At the same time, the gap between developed and developing countries remains unacceptably wide and developing countries continue to face difficulties in participating in the globalization process, and many risk being marginalized and effectively excluded from its benefits;

(d) Democracy, which is spreading everywhere, has raised development expectations everywhere, that their non-fulfilment risks rekindling non-democratic forces, and that structural reforms that do not take social realities into account could destabilize democratization processes;

(e) Effective popular participation is an essential component of successful and lasting development;

(f) Democracy, respect for all human rights and fundamental freedoms, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social- and people-centred sustainable development;

(g) The participation of developing countries in the international economic decision-making process needs to be broadened and strengthened;

5. Urges all States to eliminate all obstacles to development at all levels, by pursuing the promotion and protection of economic, social, cultural, civil and political rights and by implementing comprehensive development programmes at the national level, integrating these rights into development activities, and by promoting effective international cooperation;

6. Reaffirms that all human rights are universal, indivisible, interdependent and interrelated and that the universality, objectivity, impartiality and non-selectivity of the consideration of human rights issues must be ensured;

7. Affirms that international cooperation is acknowledged more than ever as a necessity deriving from recognized mutual interest, and therefore that such cooperation should be strengthened in order to support the efforts of developing countries to solve their social and economic problems and to fulfil their obligations to promote and protect all human rights;

8. Welcomes the intention of the Secretary-General to give high priority to the right to development and urges all States to promote further the right to development as a vital element in a balanced human rights programme;

9. *Also welcomes* the high priority assigned by the High Commissioner to activities relating to the right to development, and urges the Office of the High Commissioner to continue implementing Commission resolution 1998/72;

10. *Further welcomes* the decision by the Economic and Social Council to authorize the establishment by the Commission of a follow-up mechanism, consisting of an open-ended working group and an independent expert with a mandate to present to the working group at each of its sessions a study on the current state of progress in the implementation of the right to development, as provided in Commission resolution 1998/72;

11. *Invites* the High Commissioner to present a report to the Commission each year for the duration of the mechanism, to provide interim reports to the working group and to make those reports available to the independent expert, in each case covering:

(a) The activities of her Office relating to the implementation of the right to development as contained in her mandate;

(b) The implementation of resolutions of the Commission and the General Assembly with regard to the right to development;

(c) Inter-agency coordination within the United Nations system for the implementation of relevant resolutions of the Commission in that regard;

12. *Requests* the Secretary-General to submit to the General Assembly at its fifty-fourth session and to the Commission at its fifty-sixth session a comprehensive report on the implementation of the various provisions of the present resolution;

13. *Urges* the United Nations system to continue to support the implementation of the recent resolutions of the Commission on Human Rights regarding the right to development;

14. *Calls upon* the Secretary-General to ensure that the Working Group and the independent expert receive all necessary assistance, in particular the staff and resources required to fulfil their mandates;

15. *Decides* to call upon the Working Group to take note of the deliberations on the right to development during the fifty-fifth session of the Commission.

59th meeting
28 April 1999
[Adopted without a vote. See chap. VII.]

1999/80. Rights of the child

The Commission on Human Rights,

Bearing in mind the Convention on the Rights of the Child,

Reaffirming its resolution 1998/76 of 22 April 1998 and General Assembly resolutions 53/128, 53/127, 53/117, 53/111, 53/116 and 53/122, of 9 December 1998, as well as all previous resolutions on this subject,

Reaffirming the Declaration and Plan of Action adopted by the World Summit for Children in 1990 (A/45/625, annex) and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23), which, *inter alia*, states that national and international mechanisms and programmes for the safeguard and protection of children, in particular those in especially difficult circumstances, should be strengthened, including through effective measures to combat exploitation and abuse of children, female infanticide, harmful child labour, sale of children and organs, child prostitution and child pornography, as well as other forms of sexual abuse, and which reaffirms that all human rights and fundamental freedoms are universal,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of poverty, inadequate social and economic conditions aggravated by the current international financial crisis in an increasingly globalized world economy, pandemics, natural disasters, armed conflicts, displacement, exploitation, illiteracy, hunger, intolerance, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Alarmed by the reality of daily violations of children's rights, including the right to life, to physical security and to freedom from arbitrary detention, torture and any form of exploitation, as laid out in relevant international instruments,

Calling for the further mainstreaming of a gender perspective in all policies and programmes relating to children,

Recognizing that the adoption of legislation is necessary but not enough to prevent violations of the rights of the child, that stronger political commitment is needed and that Governments should implement their laws and complement legislative measures with effective action,

Recommending that, within their mandates, all relevant human rights mechanisms, in particular special rapporteurs and working groups, and all other relevant organs and mechanisms of the United Nations system and the specialized agencies regularly and systematically take a child's rights perspective into account in the implementation of their mandates, especially by paying attention to particular situations in which children are in danger and where their rights are violated, and that they take into account the work of the Committee on the Rights of the Child, _Welcoming_ the rights-based approach adopted by the United Nations Children's Fund and the steps taken to further increase system-wide coordination and cooperation for the promotion and protection of the rights of the child,

Also welcoming the fact that, guided by the principles and provisions of the Convention on the Rights of the Child, the special situation of children has been taken into account in the outcome of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (A/CONF.183/9),

Recalling the open debates of the Security Council in which the issue of children in armed conflict has been taken up,

Welcoming the special dialogue on the rights of the child held during the fifty-fifth session of the Commission, which in this instance focused on the marginalization and exclusion of children, and encouraging further contributions to the ongoing discussions within the United Nations on the rights of the child, particularly to commemorate the tenth anniversary of the Convention,

Recommending that all relevant organs and mechanisms of the United Nations system take active part in the follow-up to the World Summit for Children and promote the preparatory work for the special session of the General Assembly to be held in the year 2001,

I

Implementation of the Convention on the Rights of the Child

1. _Welcomes_:

(a) The unprecedented number of 191 States that have ratified or acceded to the Convention on the Rights of the Child as a universal commitment to the rights of the child and urges once again those States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority, having in mind the tenth anniversaries, in the year 2000, of the World Summit for Children and the entry into force of the Convention;

(b) The role of the Committee on the Rights of the Child in examining the progress made by States parties in implementing the obligations undertaken in the Convention and in providing recommendations to States parties on its implementation and, in cooperation with the Office of the United Nations High Commissioner for Human Rights, in creating awareness of the principles and provisions of the Convention, and takes note of the reports of the Committee on its twelfth to seventeenth sessions (A/53/41) and eighteenth and nineteenth sessions (CRC/C/79 and CRC/C/80, respectively);

(c) The positive results of the cooperation between the Committee on the Rights of the Child and the United Nations Children's Fund, as well as specialized agencies and other relevant actors, supports the rights-based approach adopted by the Children's Fund, and encourages its further development;

(d) The increasing contribution of non-governmental organizations, inter alia through providing information to the Committee and States parties, when the latter are preparing their reports to the Committee, and through contributing, where they can, in the implementation of the Committee's recommendations for the effective implementation of the Convention;

(e) The decision adopted by the Committee to organize, with the Office of the High Commissioner and the United Nations Children's Fund, a two-day workshop during its twenty-second session entitled "The Convention on the Rights of the Child: A Decade of Achievements and Challenges";

(f) The invitation by the General Assembly to the Committee to enhance further the constructive dialogue with the States parties and the transparent and effective functioning of the Committee;

2. Calls upon States parties:

(a) To implement the Convention fully and to ensure that the rights set forth in the Convention are respected without discrimination of any kind, that the best interests of the child are a primary consideration in all actions concerning children, and that children are able to express their opinions on matters affecting them and that these opinions are listened to and given due weight;

(b) To ensure adequate and systematic training for professional groups working with and for children, inter alia, specialized judges, law enforcement officials, lawyers, social workers, medical doctors and teachers, and coordination between various governmental bodies involved in children's rights;

(c) To intensify efforts to ensure the registration of all children immediately after birth and strengthen efforts to improve national systems for the collection of comprehensive and disaggregated data, including gender-specific data, for all areas covered by the Convention on the Rights of the Child;

(d) To cooperate closely with the Committee on the Rights of the Child and to comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated by the Committee, as well as to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention;

(e) To withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations with a view to withdrawing them;

(f) To accept the amendment to paragraph 2 of article 43 of the Convention, adopted by the Conference of States Parties to the Convention on 12 December 1995 and ratified by the General Assembly in resolution 50/155 of 21 December 1995, which would increase the membership of the Committee on the Rights of the Child from 10 to 18 experts and requests the Secretary-General to invite those States parties that have not yet accepted the amendment to consider doing so;

(g) To ensure when electing the members of the Committee on the Rights of the Child in accordance with article 43 of the Convention that the members are of high moral standing and recognized competence in the field covered by the Convention, serving in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems;

3. Decides, with regard to the Committee on the Rights of the Child, to request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee, while noting the temporary support given by the Plan of Action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child;

II

Protection and promotion of the rights of the girl child

4. Welcomes:

(a) General Assembly resolution 52/100 of 12 December 1997 and 52/231 of 4 June 1998, in which it decided that the high-level plenary review to appraise and assess the progress achieved in the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women adopted in 1985 by the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace (United Nations publication, Sales No. E.85.IV.10) (chap. I, sect. A) and the implementation of the Beijing Declaration and Platform for Action of the Fourth World Conference on Women (A/CONF.177/20, chap. I), should be held as a special session of the General Assembly in the year 2000;

(b) All relevant conclusions relating to the girl child adopted by the Commission on the Status of Women, in particular at its forty-second session (see E/1998/27);

5. Reaffirms the fundamental principle set forth in the Vienna Declaration and Programme of Action (A/CONF.157/23) and in the Beijing Declaration and Platform for Action that the human rights of women and girls are an inalienable, integral and indivisible part of universal human rights;

6. Notes resolution 1998/16 of 21 August 1998 on traditional practices affecting the health of women and the girl child, adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

7. Calls upon all States:

(a) To take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, and to take effective action against violations of those rights and freedoms and to base programmes and policies for the girl child on the rights of the child and of women;

(b) And international and non-governmental organizations, individually and collectively, to set goals and to develop and effectively implement gender-sensitive strategies to address the rights and needs of children, in accordance with the Convention on the Rights of the Child, especially the rights and particular needs of girls in education, health and nutrition, and to eliminate harmful traditional or customary attitudes and practices against girls;

(c) To eliminate all forms of discrimination against girls and the root causes of son preference, which result in harmful and unethical practices, *inter alia*, by enacting and enforcing legislation protecting girls from violence, including female infanticide and prenatal sex selection, genital mutilation, incest, rape, domestic violence, sexual abuse and exploitation, and by developing age-appropriate, safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

(d) To eradicate traditional or customary practices, particularly female genital mutilation, that are harmful to or discriminatory against women and girls and that are violations of human rights and fundamental freedoms of women and girls through the development and implementation of legislation and policies prohibiting such practices, the prosecution of perpetrators of such practices, and awareness-raising programmes, education and training, involving, among others, public opinion leaders, educators, religious leaders, medical practitioners, women's health and family planning organizations, the media, parents and young people, in order to achieve the total elimination of these practices, and to support women's organizations at the national and local levels that are working for the elimination of female genital mutilation and other harmful traditional or customary practices violating the human rights of women and girls;

8. *Decides* to approve the recommendation of the Sub-Commission, contained in its resolution 1998/16, that the mandate of Ms. Halima Embarek Warzazi as Special Rapporteur on traditional practices affecting the health of women and the girl child be extended to ensure the completion of her task as called for in Sub-Commission resolution 1996/19 of 29 August 1996 and urges the Office of the United Nations High Commissioner for Human Rights to provide administrative assistance to the Special Rapporteur to enable her to proceed with her work.

III

Prevention and eradication of the sale of children and of their sexual exploitation and abuse, including child prostitution and child pornography

9. *Welcomes*:

(a) The report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1999/71), which focuses this year on the issues of sale and trafficking of children;

(b) The report of the Working Group on the elaboration of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on its fifth session (E/CN.4/1999/74);

(c) The United Nations Educational, Scientific and Cultural Organization expert meeting, held in Paris on 18 and 19 January 1999, entitled "Sexual Abuse of Children, Child Pornography and Paedophilia on the Internet: An International Challenge" and its declaration and action plan, and encourages follow-up in cooperation with the Special Rapporteur;

10. Reaffirms the obligation of States parties to prevent the abduction of, the sale of or traffic in children for any purpose or in any form and to protect the child from all forms of sexual exploitation or abuse, in accordance with articles 35 and 34 of the Convention on the Rights of the Child;

11. Calls upon all States:

(a) To take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of, or traffic in children for any purpose or in any form, and any form of sexual exploitation or abuse of children, including within the family, or for commercial purposes, child pornography and child prostitution, and through child sex tourism, taking into account the particular problems posed by the use of the Internet in this regard, and to protect children from these practices, while ensuring that the child victims are not penalized for such practices, in accordance with the provisions of the Convention on the Rights of the Child and taking into account the concrete measures outlined in the Vienna Declaration and Programme of Action and in the Programmes of Action adopted by the Commission in 1992, 1993 and 1996;

(b) And, in this regard, to enact, review and revise, where appropriate, relevant laws, policies, programmes and practices;

(c) And, in this context, to consider the positive input by other international initiatives outside the United Nations system and to encourage regional and interregional efforts with the objective of identifying best practices and issues requiring particularly urgent action, such as the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in August 1996 (A/51/385, annex), and its follow-up, inter alia the Child Welfare Experts' Meeting of the Asia-Europe Meeting, held in London from 6 to 8 October 1998;

(d) And relevant United Nations bodies and agencies to allocate appropriate resources for comprehensive and gender-sensitive programmes to rehabilitate physically and psychologically child victims of sale, trafficking, abduction and of any form of sexual exploitation and abuse, and to take all appropriate measures to promote their full recovery and social reintegration;

(e) To criminalize effectively and to ensure the prosecution of offenders, whether local or foreign, by the competent national authorities, either in the offender's country of origin or in the destination country, in accordance with due process of law;

(f) To increase cooperation and concerted action, at the national and international levels, by all relevant authorities and institutions, especially the law enforcement authorities, to combat effectively the existence of a market that encourages such criminal practices against children and to dismantle national and international networks trafficking in children, and encourages all actors of civil society and the media to cooperate in efforts to eradicate this phenomenon;

(g) To cooperate closely with and assist the Special Rapporteur on the sale of children, child prostitution and child pornography and to furnish all information requested, including by inviting her to visit their countries;

12. Encourages Governments to consult and facilitate the active participation of children who have been victims of sexual exploitation or abuse in the development and implementation of strategies to protect children from all forms of sexual exploitation and abuse;

13. Decides:

(a) To request the Secretary-General to provide the Special Rapporteur with all necessary human and financial assistance, to urge all relevant parts of the United Nations system to cooperate closely with the Special Rapporteur in order to make the full discharge of her mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-fourth session and a report to the Commission at its fifty-sixth session;

(b) With regard to the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography:

(i) To invite the Chairperson of the Working Group to conduct broad informal consultations, with the aim of promoting an early agreement on the optional protocol, and, if possible, to produce a report thereon by the end of 1999, including recommendations on how to finalize the formal negotiations;

(ii) To request the Working Group to meet early in 2000 in order to make further progress with the aim of finalizing its work before the tenth anniversary of the entry into force of the Convention, and to report to the Commission at its fifty-sixth session;

(iii) To request the Secretary-General to give the necessary support to the Working Group to meet for a maximum of two weeks, and to transmit the report of the Working Group to Governments, relevant United Nations bodies and specialized agencies, the Committee on the Rights of the Child, the relevant Special Rapporteur and intergovernmental and non-governmental organizations, and to invite their comments in time for circulation prior to the next session of the Working Group, and invites the Committee on the Rights of the Child to consider being represented and the Special Rapporteur to consider being present at the next session of the Working Group;

IV

Protection of children affected by armed conflict

14. Welcomes:

(a) The report of the Special Representative of the Secretary-General on the question of the impact of armed conflict on children to the General Assembly (A/53/482, annex) and his oral report to the Commission at its fifty-fifth session, while noting that he has not presented an updated written report as requested by the General Assembly in its resolution 51/77 of 12 December 1996, and expresses its support for his work for children affected by armed conflict, in particular to raise worldwide awareness and to mobilize official and public opinion for the protection of children affected by armed conflict, including through field visits, in order to promote respect for children's rights and needs in conflict and post-conflict situations;

(b) The actions undertaken, within the scope of their mandates by, inter alia, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights, to ensure the promotion and protection of the rights of children affected by armed conflict, including through their advocacy and operational activities;

(c) The report of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts on its fifth session (E/CN.4/1999/73);

(d) The ongoing efforts by, inter alia, regional organizations, intergovernmental organizations and non-governmental organizations, to bring to an end the use of children as soldiers in armed conflicts, and hopes that these efforts will help in creating a greater awareness on this issue and in reaching a consensus in raising the standards contained in article 38 of the Convention on the Rights of the Child;

(e) The contribution of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court and recalls in particular the relevant qualification in the Rome Statute of the International Criminal Court of the conscription, enlistment or use for active participation in hostilities of child soldiers as a war crime, which will contribute to making it possible to end impunity for the perpetrators of such crimes;

(f) The increased international efforts in various forums with respect to anti-personnel mines, recognizes the positive effects on children of those efforts and, in this regard, takes due note of the entry into force on 1 March 1999 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, and its implementation by those States that become parties to it, and the entry into force on 3 December 1998 of the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) (CCW/CONF.I/16, Part I, annex B) of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and its implementation by those States that become parties to it;

15. Reaffirms:

(a) That the rights of the child as laid out in international human rights instruments and international humanitarian law are at their most pertinent in time of armed conflict, expresses grave concern at the numerous damaging effects of armed conflicts on children and emphasizes the need for the world community to focus increased attention on this serious problem with a view to alleviating those effects;

(b) That rape and certain other forms of sexual violence of comparable gravity can, in the conduct of armed conflict, constitute a war crime, and under certain defined circumstances such acts can constitute crimes against humanity, as clarified in the relevant provisions of, inter alia, the Rome Statute of the International Criminal Court; in addition under certain circumstances such acts can contribute to the crime of genocide, as defined in the Convention on the Prevention and Punishment of the Crime of Genocide, and calls upon all States to take all measures required for the protection of children and women from all acts of gender-based violence, including rape and other forms of sexual violence, sexual exploitation and forced pregnancy, and to strengthen mechanisms to investigate and punish all those responsible and bring the perpetrators to justice;

(c) The condemnation of the abduction of children in situations of armed conflict and into armed conflicts, and urges States, international organizations and other concerned parties to take all appropriate measures to secure the unconditional release of all abducted children;

(d) That all humanitarian responses in situations of armed conflict should emphasize the importance of relevant measures to ensure respect for the rights of the child, including physical and psychological recovery and social reintegration, especially the special reproductive health needs of girls and women, including those that arise from pregnancy as a result of rape, sexual mutilation, childbirth at an early age or infection with sexually transmitted diseases, as well as human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS), and access to family planning services;

(e) The importance of preventive measures such as early-warning systems, preventive diplomacy and education for peace to prevent conflicts and their negative impact on the enjoyment of the rights of the child, and urges Governments and the international community to promote sustainable human development;

(f) Its support for the recommendations of the General Assembly and the International Conference of the Red Cross and Red Crescent, that whenever sanctions are imposed in the context of armed conflict, their impact on children be assessed and monitored and, to the extent there are humanitarian exceptions, they be child-focused and formulated with clear guidelines for their application;

(g) The urgent need to raise the current minimum age limit set by article 38 of the Convention on the Rights of the Child on the recruitment and participation of any person in armed conflicts with the aim of reaching a higher standard of protection of children and of coming to an early conclusion of the work of the Working Group on a draft optional protocol to the Convention on the involvement of children in armed conflict, especially in view of the tenth anniversary of the entry into force of the Convention;

16. Calls upon all States:

(a) And other parties to armed conflict to respect fully international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, while bearing in mind resolution 2 of the twenty-sixth International Conference of the Red Cross and Red Crescent of 1995 entitled "Protection of the civil population in period of armed conflict", and to respect the provisions of the Convention on the Rights of the Child which accord children affected by armed conflict special protection and treatment;

(b) And other parties to armed conflict to end the use of children as soldiers and ensure their demobilization, and to implement effective measures for the rehabilitation and reintegration into society of child soldiers and combatants, child victims in cases of armed conflict or foreign occupation, and invites the international community to assist in this endeavour;

(c) And other parties concerned to continue to cooperate with the Special Representative of the Secretary-General, to implement the commitments they have undertaken, and to consider carefully all the recommendations of the Special Representative and to address the issues identified;

(d) In accordance with the norms, rules and provisions of international human rights instruments and international humanitarian law, to integrate in the training and gender-sensitized education programmes of their armed forces and civilian police, including those for peacekeeping, instruction on their responsibilities towards the civilian population, particularly women and children, and training to address the particular needs of children in armed conflict;

(e) To address the impact on children of the use of weapons in situations of armed conflict and to address the problem of the impact of small arms and light weapons on children in armed conflict situations, in particular as a result of their illicit production and traffic;

(f) And relevant United Nations bodies to continue to support national and international mine action efforts, including by continuing to contribute to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, and to take further action to promote gender- and age-appropriate mine-awareness programmes, victim assistance and child-centred rehabilitation, thereby reducing the number and the plight of child victims;

17. Decides, with regard to the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts:

(a) To invite the Chairperson of the Working Group to continue broad informal consultations, with the aim of promoting an early agreement on the optional protocol, and, if possible, to produce a report thereon by the end of 1999, including recommendations on how to finalize the formal negotiations;

(b) To request the Working Group to meet early in 2000 in order to make further progress with the aim of finalizing its work before the tenth anniversary of the entry into force of the Convention, and to report to the Commission at its fifty-sixth session;

(c) To request the Secretary-General to give the necessary support to the Working Group to meet for a maximum of two weeks, and to transmit the report of the Working Group to Governments, relevant United Nations bodies and specialized agencies, the Committee on the Rights of the Child, the Special Representative on the question of the impact of armed conflict on children, and intergovernmental and non-governmental organizations, and to invite their comments in time for circulation prior to the next session of the Working Group, and invites the Committee on the Rights of the Child, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies to consider being represented and the Special Representative to consider being present at the next session of the Working Group;

18. Decides, with regard to the Special Representative of the Secretary-General on the question of the impact of armed conflict on children:

(a) To recommend that the Special Representative and the relevant parts of the United Nations system continue to develop a concerted approach on the rights, protection and welfare of children affected by armed conflict, and to increase cooperation among their respective mandates and with national and international non-governmental organizations including, as appropriate, in the planning of field visits and follow-up to the recommendations of the Special Representative;

(b) To request the Secretary-General to ensure that the necessary support is made available expeditiously to the Special Representative for the effective performance of his mandate, and encourages the United Nations system, including the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the Office of the High Commissioner for Human Rights, to continue to provide support to the Special Representative, including with regard to his field visits, and calls upon States and other institutions to continue to provide voluntary contributions to the Special Representative;

19. Decides, with regard to preventive measures, to request the Secretary-General, in cooperation with States, international organizations and relevant non-governmental organizations, to continue to encourage regional training programmes for members of the armed forces relating to the protection of children and women during armed conflicts;

V

Protection of refugee and internally displaced children

20. Welcomes:

(a) The development of field activities at an operational level initiated by the United Nations High Commissioner for Refugees in cooperation with relevant partners, in particular the training and capacity-building initiative "Action for the Rights of Children";

(b) The report of the Representative of the Secretary-General on internally displaced persons (E/CN.4/1999/79 and Add.1-2) and notes the comments received on the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex), invites the Representative to continue to pay specific attention to the special needs of children and calls upon all States to cooperate with and assist the Representative;

21. Calls upon all States:

(a) And other parties to armed conflicts to bear in mind that refugee and internally displaced children are particularly exposed to risks in connection with armed conflicts, such as being forcibly recruited or subjected to sexual violence, abuse or exploitation, and stresses the special vulnerability of unaccompanied refugee and internally displaced children, and calls upon Governments and United Nations bodies and organizations to give those situations urgent attention, enhancing protection and assistance mechanisms;

(b) To increase protection of refugee and internally displaced children, including through policies for their care, well-being and development, in such areas as health, education and psychosocial rehabilitation, with the necessary international cooperation, in particular with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the Representative of the Secretary-General on internally displaced persons and the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, in accordance with their obligations under the Convention on the Rights of the Child;

(c) And United Nations bodies and agencies, in coordination with other international humanitarian organizations such as the International Committee of the Red Cross, to ensure the early identification and registration of unaccompanied refugee and internally displaced children, to give priority to programmes for family tracing and reunification, and to pay particular attention to the special protection needs of children with a view to developing programmes for voluntary repatriation, local integration and resettlement;

VI

Progressive elimination of child labour

22. Reaffirms:

(a) The right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, in accordance with obligations under the Convention on the Rights of the Child;

(b) The aim of effective abolition of child labour contrary to accepted international standards, giving priority to immediate and concrete action for the elimination of the worst forms of child labour and to the rehabilitation and social reintegration of the children concerned, as well as to the search for alternatives to child labour and for a better socio-economic environment to prevent child labour;

23. Welcomes the legislative, administrative, social and educational measures taken by Governments aimed at the effective abolition of child labour, taking into account the relevant provisions of the Convention on the Rights of the Child and of the international instruments of the International Labour Organization, as well as the measures outlined in the Programme of Action for the Elimination of the Exploitation of Child Labour of 1993 and the Copenhagen Declaration on Social Development and the Programme of Action adopted by the World Summit for Social Development in 1995, and, in the same context, calls upon relevant United Nations agencies and bodies, in particular the International Labour Organization and the United Nations Children's Fund, to continue to support those national efforts, and takes note with appreciation of the adoption by the International Labour Conference at its eighty-sixth session, on 18 June 1998, of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up;

24. Calls upon all States:

(a) That have not yet done so to consider ratifying the conventions of the International Labour Organization relating to child labour, in particular the Forced Labour Convention, 1930 (Convention No. 29) and the Minimum Age for Admission to Employment Convention, 1973 (Convention No. 138);

(b) To translate into concrete action their commitment to the progressive and effective elimination of child labour contrary to accepted international standards, and urges them, as a matter of priority, to eliminate the worst forms of child labour, such as forced labour, bonded labour and other forms of slavery;

(c) To support the International Labour Organization in developing an effective and promotional follow-up to the ILO Declaration on Fundamental Principles and Rights at Work to address the problem of child labour and to support constructively, in close cooperation with workers' and employers' representatives, a prompt and successful conclusion of the negotiations at the International Labour Organization of a convention and recommendation on the elimination of the worst forms of child labour;

(d) Systematically to assess and examine, in close cooperation with international organizations such as the International Labour Organization and the United Nations Children's Fund and workers' and employers' organizations, the magnitude, nature and causes of child labour, with a view to a consolidated worldwide assessment of child labour, and to develop and implement strategies for the elimination of child labour contrary to accepted international standards, giving special attention to specific dangers faced by girls;

(e) To examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to child labour;

(f) To promote education as a key strategy to prevent child labour, including the creation of vocational training opportunities and apprenticeship programmes and integrating working children into the formal education system;

(g) To strengthen international cooperation and coordination, _inter alia_, through the United Nations programme of advisory services in the field of human rights, the International Programme on the Elimination of Child Labour of the International Labour Organization and activities of the United Nations Children's Fund, and calls upon the International Labour Organization to assist its members, upon request, in order to attain the objective of effective abolition of child labour, by making full use of its constitutional, operational and budgetary resources;

(h) To strengthen partnerships at the national level with workers' and employers' organizations, as well as with other relevant sectors of civil society, including media and non-governmental organizations, as appropriate, to address the problem of child labour;

VII

Protection of children working and/or living on the street

25. _Calls upon_ all States:

(a) To seek comprehensive solutions to the problems causing children to work and/or to live on the street, and to adopt appropriate programmes and policies for the protection and the rehabilitation and reintegration of these children, taking into account that such children are particularly vulnerable to all forms of violence, abuse, exploitation and neglect;

(b) To ensure that services are provided for children to divert them from, and address the economic imperatives for, involvement in harmful, exploitative and abusive activity;

(c) To take the situation of children working and/or living on the street fully into account in preparing their reports to the Committee on the Rights of the Child, and encourages the Committee and other relevant bodies and organizations of the United Nations system, within their existing mandates, to increase attention to the question of children working and/or living on the street;

(d) To guarantee respect for all human rights and fundamental freedoms, particularly the right to life, and to take urgent and effective measures to prevent the killing of children working and/or living on the street and to combat torture and violence against them, to bring the perpetrators to justice and to ensure strict compliance with international human rights instruments, including the Convention on the Rights of the Child, including the requirement that legal and juridical processes respect the rights of the child;

(e) And the international community to support, through effective international cooperation, the efforts of States to improve the situation of children working and/or living on the street, including in urban settlements, in accordance with the Habitat Agenda (A/CONF.165/14, chap. I) adopted by the United Nations Conference on Human Settlements (Habitat II), held in Istanbul, in June 1996;

VIII

Promotion and protection of the rights of children alleged to have or recognized as having infringed the penal law

26. Reaffirms the need to ensure that every child alleged to have or recognized as having infringed the penal law is treated with dignity in accordance with the principles and relevant provisions of the Convention on the Rights of the Child and other relevant international human rights instruments, including the International Covenant on Civil and Political Rights, expressing deep concern, inter alia, about cases of children prosecuted without taking into account their special needs, kept in arbitrary detention, subjected to torture or cruel, inhuman or degrading treatment or punishment or subjected to punishment contrary to accepted international standards and, in this regard, calls upon States to take all the necessary measures to protect children from these practices;

27. Welcomes:

(a) The follow-up by the Committee on the Rights of the Child of the implementation of articles 37 and 40 of the Convention by States parties, making concrete recommendations concerning the improvement of the national systems of administration of justice for children, including through the use of advisory services and technical cooperation provided by the Office of the United Nations High Commissioner for Human Rights and other relevant United Nations entities;

(b) The establishment of the Coordination Panel on technical advice and assistance in juvenile justice in order to facilitate the coordination of activities in this field undertaken by relevant entities of the United Nations system as well as non-governmental organizations, professional groups and academic societies involved in the provision of technical advice and assistance;

28. Calls upon States:

(a) To ensure that all structures, procedures and programmes in the administration of justice with regard to children who infringe the penal law promote their re-education and rehabilitation, encouraging, whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, and providing that human rights and legal safeguards are fully respected;

(b) To take appropriate steps to ensure compliance with the principle that depriving children of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and to ensure that, if they are arrested, detained or imprisoned, children are separated from adults, to the greatest extent feasible, unless it is considered in their best interest not to do so;

(c) Also to take appropriate steps to ensure that no child in detention is deprived of the access to and provision of health-care services, hygiene and environmental sanitation, education and basic instruction, taking into consideration the special needs of children with disabilities in detention, in accordance with the Convention on the Rights of the Child;

(d) Parties to comply with the Convention, in their national legislation and practice, and all States to bear in mind the Guidelines for Action on Children in the Criminal Justice System which appear in the annex to Economic and Social Council resolution 1997/30 of 21 July 1997, the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) adopted by the General Assembly in resolution 45/112 of 14 December 1990, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) adopted by the Assembly in resolution 40/33 of 29 November 1985 and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty adopted by the Assembly in resolution 45/113 of 14 December 1990, taking into account the best interest of the child;

IX

Promotion of the rights of children with disabilities

29. Welcomes:

(a) The increased attention given by the Committee on the Rights of the Child to children with disabilities and takes note of the thematic discussion held in 1997 on the rights of children with disabilities, as well as the recommendations adopted;

(b) The establishment of a working group of key disability and children's rights organizations, together with international experts, with the aim of elaborating a plan of action in respect of the recommendations of the Committee on the Rights of the Child on children with disabilities, in close cooperation with the Special Rapporteur on disability of the Commission for Social Development;

30. Reaffirms the need to take a holistic approach to disability and to promote for children with disabilities a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the

child's active participation in the community, including effective access to education and health services, stressing that all children are equal members of the society;

31. Calls upon all States:

(a) To adopt all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children affected by disabilities and to develop and enforce legislation forbidding discrimination against children with disabilities;

(b) To adopt an integrated approach to providing adequate support and appropriate education for children affected by disabilities in a manner conducive to the child's achieving the fullest possible social integration and individual development;

(c) Parties, in complying with their reporting obligations to the Committee on the Rights of the Child under paragraph 1 of article 44 of the Convention, to include, in accordance with the Committee's guidelines, information on the situation and the needs of children with disabilities, including disaggregated data, and on the measures taken to ensure to such children their enjoyment of the rights under the Convention;

X

Promotion of the child's right to health

32. Reaffirms:

(a) That the right of the child to the enjoyment of the highest attainable standard of health and access to health care, as set out in article 24 of the Convention on the Rights of the Child, is an integral part of the full realization of all their human rights, which are universal, indivisible and interdependent;

(b) The right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development, and expresses deep concern about the number of children living below these standards and infant and child mortality due to preventable diseases, all over the world, in particular in the developing countries;

(c) The importance of the agreed conclusions on social services for all which appear in the annex to resolution 37/1 adopted by the Commission for Social Development at its thirty-seventh session (see E/1999/26-E/CN.5/1999/15, chap. I) and recognizes that social services are an integral part of, and contribute positively to, social and economic development, that the primary responsibility for ensuring provision of and universal access to social services rests with Governments, and that international cooperation to enhance social development would facilitate the provision of basic services for all;

33. Welcomes:

(a) The increased attention given by the Committee on the Rights of the Child to the realization of the highest attainable standard of health and access to health care, and takes note of the thematic discussion held at its nineteenth session in 1998 on the rights of children living in a world with human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS), as well as the recommendations adopted (CRC/C/80, para. 243);

(b) The development of a global strategic framework on young people and HIV/AIDS, based on a rights approach, initiated by the Joint United Nations Programme on HIV/AIDS (UNAIDS) working in partnership with the UNAIDS co-sponsors and in consultation with relevant parts of the United Nations system;

(c) World Health Assembly resolution WHA 51.22 of 16 May 1998 on the health of young children and adolescents and steps taken to further increase cooperation between the World Health Organization and the Office of the United Nations High Commissioner for Human Rights, the Committee on the Rights of the Child, the United Nations Children's Fund and other relevant partners in developing a rights-based approach in programming and implementing programmes to prevent and combat disease, malnutrition and disability;

(d) Welcomes the agreed conclusions adopted by the Commission on the Status of Women at its forty-third session on women and health in March 1999;

34. Calls upon all States:

(a) And relevant bodies and organizations of the United Nations system, in particular the World Health Organization, to pay particular attention to the development of sustainable health systems and social services to ensure the effective prevention of diseases, malnutrition, disabilities and infant and child mortality, including through prenatal and postnatal health care, as well as the provision of necessary medical treatment and health care to all children, taking into consideration the special needs of young children, including prevention of common infectious diseases, the special needs of adolescents, including reproductive and sexual health and threats from substance abuse and violence, and the particular needs of children living in poverty, children in situations of armed conflict and of vulnerable groups;

(b) And relevant bodies and organizations of the United Nations system, in particular the World Health Organization, to ensure education and training of health professionals in human rights, including the rights of the child and the human rights of women and girls;

(c) To adopt all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children affected by disease and malnutrition, including protection from all forms of discrimination, abuse or neglect, in particular in the access to and provision of health care;

XI

Promotion of the right of the child to education

35. Welcomes:

(a) The report of the Special Rapporteur on the right to education (E/CN.4/1999/49);

(b) The increased attention given by the Committee on Economic, Social and Cultural Rights to the right to education, taking note of the thematic discussion held at its nineteenth session in November 1998, and stresses the importance of close cooperation with the Committee on the Rights of the Child, within the scope of their respective mandates;

(c) The high priority accorded to education for all, in particular girls' education, by the United Nations Children's Fund in its programme work and advocacy efforts and takes note of The State of the World's Children 1999 report with its focus on education;

36. Reaffirms the particular importance of the right of the child to education and the goals of Education for All, emphasizing the need for governments to broaden and constantly redefine the scope of basic education, including early childhood care and initial education, to develop a supporting policy context and to mobilize existing and new financial and human resources, including through concerted international action and cooperation;

37. Calls upon States:

(a) To recognize the right to education on the basis of equal opportunities by making primary education compulsory and ensuring that all children have access to free and relevant primary education, as well as making secondary education generally available and accessible to all, and in particular by the progressive introduction of free education;

(b) Which have not been able to secure compulsory primary education, free of charge, to work out and adopt a detailed plan of action for the progressive implementation of the principle of compulsory education free of charge for all;

(c) To ensure that emphasis is given to the qualitative aspects of education and that the education of the child shall be carried out in accordance with articles 28 and 29 of the Convention on the Rights of the Child and that education is directed, inter alia, to the development of respect for human rights and fundamental freedoms and to the preparation of the child for responsible life in a free society, in a spirit of understanding, peace, tolerance, gender equality and friendship among peoples, ethnic, national and religious groups, and persons of indigenous origin;

(d) To remove educational disparities and make education accessible to children living in poverty, children living in remote areas, children with special education needs and children requiring special protection, including migrant children, indigenous children and children belonging to minorities;

(e) And educational institutions and the United Nations system, in particular the United Nations Children's Fund, the United Nations Development Fund for Women and the United Nations Educational, Scientific and Cultural Organization, to develop and implement gender-sensitive strategies to address the particular needs of the girl child in education, taking into consideration the interdependence of all human rights and the need to develop a comprehensive strategy to eliminate gender discrimination, and to provide gender-sensitive training for school administrators, parents and all members of the school community;

XII

38. Decides:

(a) To request the Secretary-General to submit to the Commission at its fifty-sixth session a report on the rights of the child, with information on the status of the Convention on the Rights of the Child and on the problems addressed in the present resolution;

(b) To continue its consideration of this question at its fifty-sixth session under the same agenda item.

60th meeting
28 April 1999
[Adopted without a vote. See chap. XIII.]

1999/81. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling its previous relevant resolutions, in particular 1998/28 of 17 April 1998, as well as the terms of reference of the Sub-Commission on Prevention of Discrimination and Protection of Minorities as set out in the relevant resolutions of the Commission on Human Rights, the Economic and Social Council and the General Assembly,

Taking note of:

(a) The report of the Sub-Commission on its fiftieth session (E/CN.4/1999/4-E/CN.4/Sub.2/1998/45);

(b) The attention given by the Sub-Commission to Commission resolution 1998/28;

(c) The revised working paper on the methods of work of the Sub-Commission (E/CN.4/Sub.2/1998/3);

(d) Sub-Commission decisions 1994/117 and 1998/108, respectively of 26 August 1994 and 26 August 1998;

(e) The fact that the work of the Sub-Commission is currently under consideration in the context of the ongoing process of the "review of mechanisms";

1. Reaffirms that the Sub-Commission can best assist the Commission by providing it with:

(a) Independent expert studies carried out by its members and under its auspices;

(b) Recommendations based on, and after full consideration of, these studies;

(c) Studies, research and expert advice at the request of the Commission;

2. Welcomes the steps undertaken by the Sub-Commission to reform and improve its methods of work, including by the adoption of a restructured agenda at its fiftieth session and, in particular:

(a) The efforts made to implement its decision 1996/114 of 29 August 1996 to achieve a compilation of the existing rules of procedure and procedural questions to be resolved;

(b) The decision to limit the initiation of new studies and the adoption of criteria for new studies;

(c) The decision to establish during its fifty-first session a sessional working group on the methods of work of the Sub-Commission;

(d) The efforts made to enhance its cooperation with all relevant bodies;

3. Invites the Sub-Commission to enhance its efforts to improve on its methods of work, inter alia by:

(a) Setting up a work plan for its fifty-first session, containing priorities for future work;

(b) Setting a time-frame for consideration of its methods of work, as well as a target date of not later than the fifty-seventh session of the Commission for reporting to the Commission on its method of work;

(c) Proposing measures to enhance further the independence and expertise of its membership;

4. Requests the Sub-Commission to continue its efforts to avoid duplication with the work of the Commission;

5. Also requests the Sub-Commission further to improve on its methods of work by:

(a) Focusing on its primary role as an advisory body to the Commission;

(b) Giving particular attention to the selection of studies, focusing its attention on how and where the implementation of existing standards can be improved;

(c) Respecting strictly the principles of independence, impartiality and expertise;

(d) In view of the budgetary situation of the Office of the United Nations High Commissioner for Human Rights, doing its utmost to limit requests for the creation of new working groups;

(e) Facilitating efficient and effective participation of non-governmental organizations;

(f) Considering fully studies and working papers by special rapporteurs and its members before sending them to the Commission;

(g) Focusing strictly on questions relating to human rights in accordance with its mandate;

6. Reaffirms its requests to States:

(a) To nominate as members and alternate members of the Sub-Commission independent experts of recognized competence in the field of human rights, as well as to respect fully the independence of members and alternates;

(b) When nominating candidates for the Sub-Commission, to submit nominations sufficiently early so as to enable the members of the Commission to thoroughly assess the qualifications and the independence of the nominees;

7. Invites the Secretary-General to give support to the Sub-Commission, inter alia, by making available documentation in good time before each session in the official languages of the United Nations and, in responding to requests from the Sub-Commission to solicit information from Governments and intergovernmental and non-governmental organizations, to agree to such requests only after they have been approved by the Commission;

8. Requests the Sub-Commission to devote sufficient time at its fifty-first session to discussion of its working methods;

9. Authorizes the Sub-Commission to organize its fifty-first (four-week) session so that it shall not hold more than 30 public meetings and decides that the Sub-Commission shall meet in closed session to consider the implementation of the present resolution and other appropriate issues;

10. Requests the Sub-Commission to report to the Commission on Human Rights at its fifty-sixth session on the results of its consideration of its methods of work;

11. Invites the Chairperson of the Commission to address the Sub-Commission at the opening meeting of the fifty-first session of the Sub-Commission on the debate that took place in the Commission under this item;

12. Requests the Chairperson of the fifty-first session of the Sub-Commission to report to the Commission at its fifty-sixth session.

60th meeting
28 April 1999
[Adopted without a vote. See chap. XVI.]

1999/82. Defamation of religions

The Commission on Human Rights,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations,

Reaffirming also the call of the World Conference on Human Rights for all Governments to take all appropriate measures, in compliance with their international obligations and with due regard to their respective legal systems, to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and including desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,

Alarmed at the serious instances of intolerance, discrimination and acts of violence based on religion or belief, including acts of violence, intimidation and coercion motivated by religious extremism, occurring in many parts of the world and threatening the enjoyment of human rights and fundamental freedoms,

Underlining the importance of creating conditions to foster greater harmony and tolerance within and among societies and conscious of the importance of education in ensuring tolerance of and respect for religion and belief,

Welcoming the designation by the General Assembly of the year 2001 as the United Nations Year of Dialogue among Civilizations,

Expressing its appreciation in this context of the joint efforts of the member States of the Organization of the Islamic Conference and the United Nations High Commissioner for Human Rights in organizing the seminar entitled "Enriching the Universality of Human Rights: Islamic Perspectives on the Universal Declaration of Human Rights" in Geneva on 9 and 10 November 1998,

Emphasizing that non-governmental organizations, religious bodies and communities have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief,

1. *Expresses deep concern* at negative stereotyping of religions;

2. *Also expresses deep concern* that Islam is frequently and wrongly associated with human rights violations and with terrorism;

3. *Expresses its concern* at any role in which the print, audio-visual or electronic media or any other means is used to incite acts of violence, xenophobia or related intolerance and discrimination towards Islam and any other religion;

4. *Urges* all States, within their national legal framework, in conformity with international human rights instruments to take all appropriate measures to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by religious intolerance, including attacks on religious places, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief;

5. *Invites* the High Commissioner, in the context of the preparations for the United Nations Year of Dialogue among Civilizations, to consider the holding of seminars to promote a dialogue among cultures, thus contributing to the understanding of the universality of human rights;

6. *Calls upon* the Special Rapporteur on religious intolerance and the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance to take into account the provisions of the present resolution when reporting to the Commission at its fifty-sixth session;

7. *Decides* to remain seized of the matter at its fifty-sixth session.

62nd meeting
30 April 1999
[Adopted without a vote. See chap. VI.]

B. Decisions

1999/101. Organization of work

At its 2nd meeting, on 23 March 1999, the Commission on Human Rights decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 5: Mr. E. Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries;

(b) In connection with item 6: Mr. M. Glèlè-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

(c) In connection with item 6: Mr. I. Garvalov, Ms. G. McDougall and Mr. M. Yutzis, members of the Committee on the Elimination of Racial Discrimination (for participation in the sessional working group);

(d) In connection with item 7: Mr. A. Sengupta, Independent Expert on the right to development;

(e) In connection with item 8: Mr. H. Halinen, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967;

(f) In connection with item 9: Mr. A. Artucio, Special Rapporteur on the situation of human rights in Equatorial Guinea;

(g) In connection with item 9: Mr. M. Copithorne, Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran;

(h) In connection with item 9: Mr. J. Dienstbier, Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia;

(i) In connection with item 9: Mr. L. Franco, Special Rapporteur on the situation of human rights in the Sudan;

(j) In connection with item 9: Mr. R. Garretón, Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo;

(k) In connection with item 9: Mr. K. Hossain, Special Rapporteur on the situation of human rights in Afghanistan;

(l) In connection with item 9: Mr. R. Lallah, Special Rapporteur on the situation of human rights in Myanmar;

(m) In connection with item 9: Mr. M. Moussalli, Special Representative of the Commission on the situation of human rights in Rwanda;

(n) In connection with item 9: Mr. P.S. Pinheiro, Special Rapporteur on the situation of human rights in Burundi;

(o) In connection with item 9: Mr. S.J. Sorabjee, Special Rapporteur on the situation of human rights in Nigeria;

(p) In connection with item 9: Mr. M. van der Stoel, Special Rapporteur on the situation of human rights in Iraq;

(q) In connection with item 9 (b): Mr. F. Yimer, Chairman-Rapporteur of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; representatives of States in respect of which situations were being considered under item 9 (b);

(r) In connection with item 9 (b): Ms. E. Aouij, Independent Expert;

(s) In connection with item 10: Mr. F. Cheru, Independent Expert on structural adjustment policies;

(t) In connection with item 10: Mr. R. Figueredo Planchart, Special Rapporteur on the effects of foreign debt on the effective exercise of economic, social and cultural rights;

(u) In connection with item 10: Ms. F.Z. Ksentini, Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes;

(v) In connection with item 10: Ms. A.M. Lizin, Independent Expert on the question of human rights and extreme poverty;

(w) In connection with item 10: Ms. K. Tomasevski, Special Rapporteur on the right to education;

(x) In connection with item 11 (a): Mr. K. Sibal, Chairman-Rapporteur of the Working Group on Arbitrary Detention;

(y) In connection with item 11 (a): Sir Nigel S. Rodley, Special Rapporteur on the question of torture;

(z) In connection with item 11 (a): Mr. C. Vargas Pizarro, Chairman-Rapporteur of the Working Group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(aa) In connection with item 11 (a): Mr. I. Tosevski, in his capacity as a member of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture;

(bb) In connection with item 11 (b): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(cc) In connection with item 11 (b): Ms. A. Jahangir, Special Rapporteur on extrajudicial, summary or arbitrary executions;

(dd) In connection with item 11 (c): Mr. A. Hussain, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;

(ee) In connection with item 11 (d): Mr. P. Cumaraswamy, Special Rapporteur on the independence of judges and lawyers;

(ff) In connection with item 11 (d): Mr. C. Bassiouni, Independent Expert on restitution, compensation and rehabilitation for victims of grave violations of human rights;

(gg) In connection with item 11 (e): Mr. A. Amor, Special Rapporteur on the question of religious intolerance;

(hh) In connection with item 12: Ms. P. Flor, Chairperson of the Commission on the Status of Women;

(ii) In connection with item 12 (a): Ms. R. Coomaraswamy, Special Rapporteur on violence against women, its causes and consequences;

(jj) In connection with item 13: Ms. C. von Heidenstam, Chairperson-Rapporteur of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts;

(kk) In connection with item 13: Ms. O. Calcetas-Santos, Special Rapporteur on the sale of children, child prostitution and child pornography;

(ll) In connection with item 13: Mr. J.I. Mora Godoy, Chairman-Rapporteur of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

(mm) In connection with item 13: Mr. O.A. Otunnu, Special Representative of the Secretary-General on the impact of armed conflict on children;

(nn) In connection with item 14 (a): Mr. J.A. Bustamante, Chairman-Rapporteur of the Working Group of intergovernmental experts on the human rights of migrants;

(oo) In connection with item 14 (c): Mr. F.M. Deng, Representative of the Secretary-General on internally displaced persons;

(pp) In connection with item 15: Mr. R. Van Rijssen, Chairman-Rapporteur of the Working Group on a permanent forum for indigenous people;

(qq) In connection with item 15: Mr. J. Urrutia, Chairman-Rapporteur of the Working Group established in accordance with Commission resolution 1995/32;

(rr) In connection with item 15: Ms. V. Tauli-Corpuz, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations;

(ss) In connection with item 15: Mr. J.C. Morales Morales, in his capacity as a member of the Advisory Group of the United Nations Voluntary Fund for the International Decade of the World's Indigenous People;

(tt) In connection with item 16: Mr. E.H. Guissé, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fiftieth session;

(uu) In connection with item 19: Mr. A. Dieng, Independent Expert on the situation of human rights in Haiti;

(vv) In connection with item 19: Ms. M. Rishmawi, Independent Expert on the situation of human rights in Somalia;

(ww) In connection with item 19: Mr. T. Hammarberg, Special Representative of the Secretary-General on the situation of human rights in Cambodia;

(xx) In connection with item 19: Ms. L.I. Takla, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights.

[See chap. III.]

1999/102. Question of assistance to Chad

At its 48th meeting, on 22 April 1999, the Commission on Human Rights decided, without a vote, to consider the question of assistance to Chad under the agenda item entitled "Advisory services and technical cooperation in the field of human rights" and to request the United Nations High Commissioner for Human Rights to submit a progress report at its fifty-sixth session on the establishment and implementation of a technical cooperation project based on the joint needs-assessment mission to Chad undertaken by the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme in October 1998.

[See chap. XIX.]

1999/103. Question of human rights in Cyprus

At its 52nd meeting, on 23 April 1999, the Commission on Human Rights decided, without a vote, to retain on its agenda sub-item (a), entitled "Question of human rights in Cyprus", of the item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world" and to give it due priority at its fifty-sixth session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

[See chap. IX.]

1999/104. Effects of structural adjustment policies on the full enjoyment of human rights

At its 54th meeting, on 26 April 1999, the Commission on Human Rights, recalling its decision 1998/102 of 9 April 1998 and taking note of the report of the open-ended Working Group on structural adjustment programmes and economic, social and cultural rights on its second session (E/CN.4/1999/51), and its recommendations, in particular the need to circulate the report of the independent expert (E/CN.4/1999/50) to Governments, United Nations bodies, other international organizations, financial institutions, particularly the World Bank and the International Monetary Fund, and non-governmental organizations for comments, decided by a roll-call vote of 33 votes to 15, with 4 abstentions to request the Economic and Social Council to:

(a) Request the Secretary-General to circulate the report of the independent expert to and invite comments from Governments, United Nations bodies, including the regional commissions, the specialized agencies, international financial institutions, intergovernmental organizations, in particular those involved in development, academic institutions, non-governmental organizations and organizations representing disadvantaged and vulnerable groups;

(b) To extend for one year the mandate of the independent expert to: (i) assist the Working Group in the fulfilment of its mandate, in particular by elaborating draft basic policy guidelines on structural adjustment policies; and (ii) monitor new developments, including actions and initiatives being taken by international financial institutions, other United Nations bodies and intergovernmental and non-governmental organizations with respect to structural adjustment policies and human rights, and to submit a revised report to the Working Group at its third session;

(c) To authorize the Working Group to meet for two weeks well in advance of, but at least four weeks prior to, the fifty-sixth session of the Commission with the mandate to: (i) consider the updated report of the independent expert and comments received thereon; (ii) elaborate basic policy guidelines on structural adjustment programmes and economic, social and cultural rights which could serve as a basis for a continued dialogue between human rights bodies and the international financial institutions; and (iii) report to the Commission at its fifty-sixth session.

[See chap. X.]

1999/105. Systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict

At its 55th meeting, on 26 April 1999, the Commission on Human Rights, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1998/18 of 21 August 1998, decided without a vote to approve the decision of the Sub-Commission to extend the mandate of Ms. Gay J. McDougall, as Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict, for a further year in order to enable her to submit an update on developments with respect to her mandate at the fifty-first session of the Sub-Commission. The Commission recommended to the Economic and Social Council that the final report of the Special Rapporteur (E/CN.4/Sub.2/1998/13) be published in the official languages of the United Nations and widely disseminated. The Commission recommended to the Secretary-General that the final report be transmitted to Governments, competent bodies of the United Nations, specialized agencies, regional intergovernmental organizations, the established international tribunals and the secretariat of the Preparatory Commission for the Establishment of an International Criminal Court.

[See chap. XII.]

1999/106. Study on indigenous land rights

At its 56th meeting, on 27 April 1999, the Commission on Human Rights, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1998/21 of 21 August 1998, decided, without a vote, to approve the Sub-Commission's requests to the Secretary-General to transmit as soon as possible the progress report on the working paper on indigenous people and their relationship to land (E/CN.4/Sub.2/1998/15), together with the preliminary working paper on the same topic (E/CN.4/Sub.2/1997/17 and Corr.1), to Governments, indigenous people and intergovernmental and non-governmental organizations for their comments, data and suggestions, and to provide the Special Rapporteur with all the assistance necessary to enable her to complete her final working paper in accordance with Commission decision 1997/114 of 11 April 1997 and Economic and Social Council decision 1997/289 of 22 July 1997.

[See chap. XV.]

1999/107. The concept and practice of affirmative action

At its 56th meeting, on 27 April 1999, the Commission on Human Rights, taking note of resolution 1998/5 of 20 August 1998 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the decision of the Sub-Commission to appoint Mr. Marc Bossuyt as Special Rapporteur to undertake a study on the concept and practice of affirmative action as described in resolution 1998/5, which will pay specific attention to the recommendations made by the Sub-Commission and the Commission so as to refine further the focus and methods of the study.

[See chap. XVI.]

1999/108. Drinking water supply and sanitation services

At its 56th meeting, on 27 April 1999, the Commission on Human Rights, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1998/7 of 20 August 1998 and taking note with appreciation of the working paper submitted by Mr. El Hadji Guissé (E/CN.4/Sub.2/1998/7), notes that the issue of the right of individuals to drinking water supply and sanitation services remains undefined and therefore decided, without a vote, to request the Sub-Commission to give further consideration to this aspect in preparation for a study on the realization and promotion of this right.

[See chap. XVI.]

1999/109. Human rights and the follow-up to the guidelines for the regulation of computerized personal data files

At its 58th meeting, on 28 April 1999, the Commission on Human Rights, referring to the guidelines for the regulation of computerized personal data files (E/CN.4/1990/72) adopted by the General Assembly in its resolution 45/95 of 14 December 1990 and taking note of the report of the Secretary-General prepared pursuant to Commission decision 1997/122 of 16 April 1997 (E/CN.4/1999/88) decided, without a vote:

(a) To remove the question from its agenda, since the applicable guidelines are progressively being taken into consideration by States;

(b) To request the Secretary-General to entrust the competent inspection bodies with the task of ensuring the implementation of the guidelines by the organizations concerned within the United Nations system.

[See chap. XVII.]

1999/110. Human rights and thematic procedures

At its 58th meeting, on 28 April 1999, the Commission on Human Rights, reaffirming its resolution 1998/74 of 22 April 1998 and mindful of the ongoing discussions on the issue of the review of the mechanisms of the Commission, decided, without a vote, to consider this question again at its fifty-sixth session under the relevant agenda item.

[See chap. XVIII.]

1999/111. Postponement of consideration of draft resolution E/CN.4/1999/L.85

At its 59th meeting, on 28 April 1999, the Commission on Human Rights decided, without a vote, to postpone consideration of draft resolution E/CN.4/1999/L.85, entitled "Human duties and responsibilities", to the next session of the Commission.

[See chap. XVII.]

1999/112. Dates of the fifty-sixth session of the Commission

At its 60th meeting, on 28 April 1999, the Commission on Human Rights, recalling Economic and Social Council decision 1994/297 of 29 July 1994 and bearing in mind Council decision 1995/296 of 25 July 1995, decided, without a vote, that the fifty-sixth session of the Commission should be scheduled to take place from 20 March to 28 April 2000.

[See chap. III.]

1999/113. Organization of the work of the fifty-sixth session of the Commission

At its 60th meeting, on 28 April 1999, the Commission on Human Rights, taking into account its heavy schedule of work, as well as the need to give adequate consideration to all the items on its agenda, and recalling that in previous years the Economic and Social Council had approved the Commission's requests for additional meetings for its thirty-seventh to fifty-fifth sessions, decided, without a vote:

(a) To recommend to the Council that it authorize, if possible from within existing financial resources, 30 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-sixth session;

(b) To request the Chairperson of the fifty-sixth session of the Commission to make every effort to organize the work of the session within the times normally allotted, so that the additional meetings that the Council might authorize would be utilized only if they proved to be absolutely necessary.

[See chap. III.]

III. ORGANIZATION OF THE WORK OF THE SESSION

A. Opening and duration of the session

1. The Commission on Human Rights held its fifty-fifth session at the United Nations Office at Geneva from 22 March to 30 April 1999. It held 62 meetings (E/CN.4/1999/SR.1-62) 1/ during the session.

2. The session was opened by Mr. Jacob S. Selebi, Chairman of the Commission at its fifty-fourth session, who made a statement.

B. Attendance

3. The session was attended by representatives of States members of the Commission, by observers for other States Members of the United Nations, by observers for non-member States and by representatives of the specialized agencies, regional intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex I to the present report.

C. Election of officers

4. At its 1st meeting, on 22 March 1999, the Commission elected the following officers by acclamation:

Chairperson:	Ms. Anne Anderson (Ireland)
Vice-Chairmen:	Mr. Romans Baumanis (Latvia) Mr. Luis Alberto Padilla Menéndez (Guatemala) Mr. Shambhu Ram Simkhada (Nepal)
Rapporteur:	Mr. Raouf Chatty (Tunisia)

D. Agenda

5. Also at its 1st meeting, the Commission had before it the provisional agenda of the fifty-fifth session (E/CN.4/1999/1 and Add.1 and Add.1/Corr.1), drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the provisional agenda considered by the Commission at its fifty-fourth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974.

6. The agenda was adopted without a vote. For the text, see annex II to the present report.

E. Organization of work

7. At its 2nd meeting, on 23 March 1999, the Commission considered the organization of its work.

8. For the documents of the fifty-fifth session issued under agenda item 3, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V to the present report.

9. Also at its 2nd meeting, the Commission accepted the recommendation of its officers regarding limitation of the frequency and duration of statements. Members of the Commission were limited to one statement of 10 minutes or two statements of 5 minutes per item. Observers and non-governmental organizations were limited to one statement of 5 minutes per item. In case of joint statements by States and non-governmental organizations, more time, within reasonable limits, would be given to the speakers. If after a collective statement of States some of them wished to take the floor again under the same item, they would be given half the time normally accorded.

10. The Commission also accepted the recommendation that observer States and national liberation movements mentioned in reports submitted to the Commission were limited to one statement of 10 minutes under the item concerned. National commissions (institutions) on human rights were limited to one statement of 7 minutes. The introductions of draft consensus resolutions by a co-sponsor (if requested) were limited to 3 minutes. It was agreed that, with regard to rights of reply, a limitation to two replies, 3 minutes for the first and 2 minutes for the second, at the end of the day or at the end of the general debate on any particular item(s), would be observed.

11. It was also recommended that guest speakers should limit their statements to 15 minutes. Special rapporteurs, special representatives, independent experts and chairpersons of working groups should limit their initial statements to 10 minutes and their concluding remarks, if necessary, to 5 minutes.

12. At the same meeting, it was agreed that the list of speakers would be opened at the beginning of the session for all participants to be inscribed for all agenda items. There would be three separate lists, for members, observers and non-governmental organizations, and they would speak in that order. The closure of the list of speakers on any particular item(s) would be announced by the Chairperson in advance.

13. It was also agreed that draft resolutions and decisions, in order to respect editorial and other requirements, should be submitted at least three working days before the date on which they were scheduled to be considered. The deadline for the submission of draft resolutions would be set by the Chairperson in consultation with the Bureau and announced sufficiently in advance.

14. It was further agreed that the Commission would dispense with the requirement of a quorum except for meetings at which a vote would be taken.

15. It was recommended that the sessional open-ended Working Group to review and formulate proposals for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, under agenda item 6, should hold four meetings during the first week of the session.

16. Also at its 2nd meeting, on the recommendation of its officers, the Commission decided to invite a number of experts, special rapporteurs, special representatives, chairpersons-rapporteurs of working groups and other persons to participate in the meetings at which their reports were to be considered.

17. For the text of the decision as adopted, see chapter II, section B, decision 1999/101.

18. At its 5th meeting, on 25 March 1999, the Commission approved the timetable for the consideration of agenda items as proposed by the Bureau.

19. In this connection, statements were made by the representatives of Austria, China, Cuba, Germany, India and Norway.

20. At the 6th meeting, on 26 March 1999, a statement was made by the Chairperson with respect to the handling of the report of the Bureau of the fifty-fourth session of the Commission on Human Rights submitted pursuant to Commission decision 1998/112 (E/CN.4/1999/104 and Corr.1).

21. In this connection, statements were made by the representatives of Chile, Cuba, Germany, India, Mexico and Norway (on behalf of the Group of Western European and other States).

22. In the general debate on agenda item 3, statements were made by members of the Commission and observers. For a list of speakers, see annex III.

Ruling by the Chairperson

23. At the 45th meeting, on 20 April 1999, the Chairperson made a statement concerning the right to raise points of order in the Commission. She stated, *inter alia*, the following:

> "In accordance with the advice of the Legal Office in New York, which relies on General Assembly resolution 52/250 of 13 July 1998 and the accompanying note by the Secretary-General contained in document A/52/1002 and Corr.1, my ruling is that the Observer for Palestine has the right in the Commission on Human Rights to raise points of order relating to Palestinian and Middle East issues provided that the right to raise such a point of order shall not include the right to challenge a decision by the presiding officer.
>
> "The second aspect of my ruling relates to the right of observer Governments generally to make a point of order. The matter at issue here is the interpretation to be given to rule 42, paragraph 1 of the rules of procedure of the functional commissions of the Economic and Social Council.
>
> "I rule that for the purposes of rule 42, paragraph 1, the term 'a representative' is to be interpreted in the Commission as applying also to representatives of States Members of the United Nations not members of the Commission on Human Rights but participating in our work in an Observer capacity."

24. At the same meeting, a statement was made by the representative of the United States of America.

Question of Kosovo

25. At the 25th meeting, on 9 April 1999, Ms. Mary Robinson, United Nations High Commissioner for Human Rights, made a statement on the situation of human rights in Kosovo.

26. At the 39th meeting, on 16 April 1999, statements were made by Ms. Mary Robinson and Mr. Dennis McNamara, Director of the Division of International Protection of the Office of the United Nations High Commissioner for Refugees.

27. At the 49th meeting, on 22 April 1999, a statement was made by Ms. Mary Robinson.

28. At the 62nd meeting, on 30 April 1999, Ms. Mary Robinson and Mr. Gerald Walzer, Deputy United Nations High Commissioner for Refugees, made statements.

Human rights in Central America in the context of reconstruction and rehabilitation after Hurricane Mitch

29. At the 38th meeting, on 16 April 1999, the Chairperson, on behalf of the Commission, made the following statement concerning human rights in Central America in the context of reconstruction and rehabilitation after Hurricane Mitch, which reads as follows:

> "The Commission on Human Rights acknowledges the significant progress achieved in the promotion and protection of human rights by the Central American region countries during the present decade, transforming it into a region of peace and democracy through dialogue, cooperation and political will.
>
> "The Commission deeply regrets the loss of human lives as well as the loss of harvests, homes and basic infrastructure caused by Hurricane Mitch at the end of 1998. The hurricane is considered by the United Nations to be the worst natural disaster in the Americas in the whole of the twentieth century. In the light of the magnitude of this catastrophe, the Commission expresses its solidarity with the entire Central American region, in particular Honduras and Nicaragua, which were the most affected countries, and El Salvador and Guatemala, which suffered significant damage. In the subregional context, it is important to note the serious losses suffered by the Dominican Republic as a result of Hurricane Georges in September 1998.
>
> "The Commission recognizes and commends the immediate and sustained response from Governments, non-governmental organizations and private voluntary organizations in providing relief during the emergency phase, as well as continued assistance provided up until now in the difficult task of reconstruction.
>
> "Taking into account the close relationship between human rights and sustainable development, the Commission notes the impact of Hurricane Mitch on the enjoyment of human rights, in particular economic, social and cultural rights.

> "The Commission recognizes that the impact of Hurricane Mitch negatively affects the development of the Central American region in all its forms, and it calls for a continuing joint and extraordinary effort by the countries of the region to preserve the progress achieved thus far and to accelerate their social and economic development.
>
> "The Commission also recognizes that, during the reconstruction and transformation phase, the countries of the region have a unique opportunity to strengthen the promotion and protection of all human rights, especially by providing improved social services, constructing better basic infrastructure, fortifying their democratic and judicial institutions.
>
> "The Commission is confident that the Central American democracies will be able to overcome the challenges posed by the effects of Hurricane Mitch and encourages the continued support of the international community in the reconstruction and transformation efforts, and expresses once again its solidarity with the countries and peoples of Central America."

Situation of human rights in Colombia

30. At the 38th meeting, Ms. Mary Robinson, United Nations High Commissioner for Human Rights, introduced her report on Colombia (E/CN.4/1999/8).

31. At the same meeting, statements were made by members of the Commission and non-governmental organizations. The list of speakers appears in annex III of the present report.

32. At the 56th meeting, on 27 April 1999, the Chairperson, on behalf of the Commission, made the following statement concerning the situation of human rights in Colombia:

> "The Commission on Human Rights welcomes the fact that State and government institutions in Colombia have continued to cooperate with the permanent office of the United Nations High Commissioner for Human Rights in Bogotá, enabling it to conduct its activities in Colombia. It also welcomes the analytical report of the High Commissioner on the office in Colombia (E/CN.4/1999/8). It also takes note of a document containing the observations of the Government of Colombia on that report (E/CN.4/1999/141, annex).
>
> "The Commission welcomes the renewal of the agreement between the Government of Colombia and the High Commissioner extending the mandate of the permanent office in Bogotá until 30 April 2000. It considers of greatest importance the work which the office is undertaking in the promotion and protection of human rights, an element which may facilitate reconciliation between Colombians and the search for peace. The Commission continues to believe that the office, which is mandated to promote and protect human rights and observe violations of human rights in the country, as well as to assist the Colombian authorities in developing policies and programmes, continues to perform a vital role in addressing ongoing violations of human rights and international humanitarian law in Colombia. The Commission expects that the

activities of the human rights office in Bogotá will eventually contribute to a climate of trust between the Government and all sectors involved in the conflict, in particular by encouraging a process of constructive dialogue involving non-governmental organizations and other sectors of civil society.

"The Commission notes the continued willingness of the Government of Colombia to give full importance to the conclusions and recommendations contained in the report of the High Commissioner, but deplores the fact that its recommendations as well as those made by thematic mechanisms and other United Nations bodies, have not been fully implemented. The Commission further concludes that continued strong cooperation with thematic rapporteurs and working groups is necessary, especially to improve the situation of human rights in Colombia.

"The Commission acknowledges the steps taken by the Government of Colombia for the application of humanitarian standards in the conflict, and welcomes its continued cooperation with the International Committee of the Red Cross and the facilitation of its humanitarian activities in the country.

"In this context, the Commission deplores the grave and prolonged occurrence of serious and massive violations of human rights and of international humanitarian law.

"The Commission notes the introduction by the Government of Colombia in December 1998 of an integrated human rights strategy which is in accordance with the Vienna Declaration and Programme of Action (A/CONF.157/23) and which highlights respect for international humanitarian law and measures for combating impunity, professionalization of the armed forces, assistance for the internally displaced and the safety of human rights defenders as areas of concern. The Commission urges the Government of Colombia to complement these guidelines by introducing practical measures to address these problem areas, in particular the high level of impunity. It welcomes the declared readiness, as expressed in this Commission by the Vice-President of Colombia in his new capacity as Human Rights High Counsellor of the Government, to give the highest priority to the promotion and protection of human rights in the future, and to set in motion without delay the national human rights plan

"The Commission expresses its hope that peace talks between the Government of Colombia and all the groups involved in the internal conflict will become permanent and provide a decisive impulse until a sustainable peace is reached in Colombia. The Commission remains deeply concerned about the lack of a ceasefire and about increasing grave abuses of international humanitarian law, mainly by 'paramilitaries' (also known as 'self-defence groups' or '*autodefensas*') and guerrillas. At the same time, the Commission deplores violations of human rights by certain State agents and urges the Government of Colombia to take strong and decisive action against all State agents found guilty of human rights violations.

"The Commission remains deeply concerned about the increase in the number of internally displaced people in Colombia and calls for enhanced action by the Colombian authorities, in coordination with international bodies. In this context, it notes with satisfaction the cooperation established between the Government of Colombia and the liaison office of the United Nations High Commissioner for Refugees in Bogotá on the basis of a memorandum of intent dated 28 January 1999. The Commission urges the Government of Colombia to seek effective means to eradicate the causes of displacement, in particular carrying out judicial investigations against 'paramilitary' groups as a main actor. It calls on the Government to provide for a publicly announced and well-funded strategy to solve the problems of internal displacement. It further calls for thorough investigations into crimes against the displaced population and urges the Government to take preventive measures in those areas where the population has been threatened with enforced displacement.

"The Commission welcomes the reduction in the number of human rights violations attributed to the armed and security forces and the police, but is concerned that the armed forces have not fulfilled their intention to suspend from active service all those in their ranks who are under formal juridical or disciplinary investigation for human rights violations until guilt or innocence is determined and to dismiss them where such allegations have been proven. It urges the Government of Colombia to institute criminal proceedings against all those so implicated. It urges the Government of Colombia to establish as soon as possible the necessary measures to guarantee a truly independent judicial system, to ensure the transfer of all judicial procedures concerning serious human rights violations currently under military penal jurisdiction to the jurisdiction of the ordinary justice system and to separate the functions of the executive and the judiciary. The Commission urges the Congress of Colombia to ensure that the Military Penal Code reform bill is approved at its ongoing session and urges the Government of Colombia to ensure that the Code is in full conformity with international law.

"The Commission regrets that the draft legislation on enforced disappearances was withdrawn from the agenda of an urgent session of the Congress in January 1999 and notes that it has been reintroduced. It reiterates to the Government of Colombia the importance of adopting a law criminalizing enforced disappearance. It calls upon the Congress of Colombia to ensure its passage in the course of the ongoing session. It appeals to the Government to ensure that the law is in compliance with international instruments, in particular with the Declaration on the Protection of All Persons from Enforced Disappearance, and to adopt urgently penal and disciplinary regulations concerning enforced disappearances which punish them as serious crimes and offences and to adopt a criminal and legislative policy concerning violations of human rights and international humanitarian law in order to implement the recommendations of the Working Group on Enforced and Involuntary Disappearances and other thematic procedures.

"The Commission reiterates its concern at the continued violence by 'paramilitary' groups in Colombia. The Commission strongly condemns the crimes committed by 'paramilitary' groups, including those for which members of the 'special private security and vigilante services' (known as '*Convivir*') have been proved responsible. It urges the Government of Colombia to intensify to the maximum political, administrative, judicial and other appropriate measures with respect to official bodies suspected of supporting 'paramilitary' groups, including legal proceedings against any State agent who cooperates with the 'paramilitaries', measures to dismantle the structure of and links between so-called '*Convivir*' and 'paramilitary' groups, and to bring their members to justice. The Commission urges the Government of Colombia to implement fully the decision to withdraw all licences for all '*Convivir*' groups and to ensure that all weapons held by members of these groups are confiscated. Until they are disbanded, the Government is urged to provide public information on the number of such services in existence, their activities and the control measures taken by the Government.

"The Commission unequivocally condemns all acts of terrorism and all violations of international humanitarian law committed by guerrilla groups. It observes with the deepest concern that guerrilla activities continue to be directed against civilians (in particular the totally unacceptable practice of hostage-taking under the threat of death among nationals or foreigners who are neither personally involved in nor responsible for the conflict or its conduct) and attacks on infrastructure, including the bombing of pipelines, which have caused numerous deaths, great suffering amongst the civilian population and grave destruction. Gravely concerned by such recent outrages as the murder of three human rights defenders and mass abduction from an aircraft, for which guerrilla groups were responsible, it calls on the guerrilla groups to respect norms of international humanitarian law, especially to refrain from killings and all attacks on the civilian population, indiscriminate massacres, hostage-taking and the widespread use of anti-personnel landmines, and to fulfil their own pledges not to recruit children. The Commission calls on the guerrilla groups to demonstrate that they are sincere about peace and to engage in serious and direct peace negotiations with the Government, showing the same readiness for compromise the Government has demonstrated so far.

"The Commission recognizes the important legislative steps taken in Colombia, among them the ratification of the Inter-American Convention to Prevent and Punish Torture and the rules which regulate the recruitment of those under 18 to compulsory military service. The Commission recognizes that a draft law has been presented to Congress to bring forward the abolition of the regional justice system. It urges early agreement in the Congress of Colombia and effective implementation of the laws mentioned above. The Commission appeals to the Congress of Colombia to ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction as soon as possible.

"The Commission deplores the continued existence of high rates of judicial impunity in cases of serious crimes, in particular the failure in some cases to arrive at early and effective conclusions to penal processes. It calls upon the Procurator-General to bring to trial without any delay all cases of serious allegations. It welcomes important advances made in a number of cases of gross human rights violations by the human rights unit in the Office of the Procurator-General which is investigating and indicting State agents, guerrillas and members of 'paramilitary' groups responsible for violations of human rights or international humanitarian law. At the same time, it remains concerned about the ongoing implication of State agents, as proven by the Office of the Procurator-General on numerous occasions. It calls on the Government of Colombia to continue to take steps to address this problem as a matter of urgency and to take action against the people concerned.

"The Commission expresses its profound concern over the grave situation of attacks against human rights defenders and deplores the lack of effective judicial investigations into such crimes as well as the absence of effective legal, administrative, security and financial measures to protect those social and human rights defenders who find themselves at risk. It urges the Government of Colombia to observe the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms ('declaration on human rights defenders') adopted by the General Assembly in resolution 53/144 of 9 December 1998. It calls upon the Government of Colombia to consolidate its support, through all institutions of the State, of all those who promote the defence of human rights and, in particular, to implement the presidential directive on recognition of the work of human rights advocates adopted in 1997 and other measures taken by the Government to improve this situation and to protect organizations of human rights defenders effectively. It encourages the authorities in Colombia to establish a permanent dialogue with non-governmental organizations, social and Church organizations with a view to enhance the protection of human rights defenders.

"The Commission calls upon the Government of Colombia to give the highest priority to developing concrete measures to integrate human rights education into the curricula of schools and universities throughout the country.

"The Commission notes with great concern the effects of violence on the indigenous population and calls upon the Government of Colombia to take effective steps for the improvement of their legal and physical protection.

"The Commission requests the High Commissioner to submit to it at its next session a detailed report on the activities of the Office of the United Nations High Commissioner for Human Rights, containing an analysis by the office in Bogotá of the situation of human rights in Colombia, in accordance with the provisions of the agreement between the Government of Colombia and the Office of the High Commissioner on the operation of the permanent office in Bogotá."

Situation around the Federal Republic of Yugoslavia

33. At the 50th meeting, on 23 April 1999, the representative of the Russian Federation introduced draft resolution E/CN.4/1999/L.2/Rev.1, sponsored by his country.

34. Statements in explanation of vote before the vote were made by the representatives of Argentina, Bangladesh, Canada, Germany (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement), Guatemala, Pakistan (on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference), Peru, the Sudan, Uruguay and Venezuela.

35. The draft resolution read as follows:

"Situation around the Federal Republic of Yugoslavia

"The Commission on Human Rights,

"Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Rights of the Child, the Geneva Conventions of 12 August 1949 and the Protocols Additional thereto of 1977, and other instruments of international humanitarian law,

"Recalling, inter alia, article 3 of the Universal Declaration of Human Rights and article 6 of the International Covenant on Civil and Political Rights, which affirm that everyone has the right to life,

"Recalling also General Assembly resolution 3314 (XXIX) of 14 December 1974 adopting the Definition of Aggression,

"Mindful of the primary responsibility of the Security Council for the maintenance of international peace and security,

"Taking note of the Declaration of the Coordinating Bureau of the Non-Aligned Movement of 9 April 1999,

"Concerned at reports of increasing numbers of victims and casualties amongst the civilian population and the destruction of installations and infrastructure used by civilians as a result of missile strikes and bombings,

"Alarmed at the rise in numbers of internally displaced persons and refugees resulting from the spread of the conflict,

"1. Calls urgently for an immediate cessation of all hostilities and violations of human rights, primarily the right to life, in the Federal Republic of Yugoslavia;

"2. Reaffirms the responsibility of all parties to the conflict to seek and find peaceful solutions through negotiations while maintaining the territorial integrity of the Federal Republic of Yugoslavia;

"3. Resolutely condemns all violations of human rights and international humanitarian law, by whomever they are perpetrated;

> "4. Reaffirms that all who commit, sanction or abet violations of international humanitarian law bear personal responsibility and are liable to punishment for these violations, and must be brought to trial."

36. The representative of the United States of America requested a vote on the draft resolution. At the request of the representative of the Russian Federation, a roll-call vote was taken on the draft resolution, which was rejected by 24 votes to 11, with 18 abstentions. The voting was as follows:

In favour: China, Colombia, Cuba, Ecuador, India, Mexico, Peru, Russian Federation, Sri Lanka, Uruguay, Venezuela.

Against: Austria, Bangladesh, Canada, Czech Republic, El Salvador, France, Germany, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Morocco, Niger, Norway, Pakistan, Poland, Qatar, Republic of Korea, Romania, Senegal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Bhutan, Botswana, Cape Verde, Chile, Democratic Republic of the Congo, Guatemala, Indonesia, Madagascar, Mauritius, Mozambique, Nepal, Philippines, Republic of the Congo, Rwanda, South Africa, Sudan, Tunisia.

37. Statements in explanation of vote after the vote were made by the representatives of Nepal and South Africa.

F. Meetings, resolutions and documentation

38. As indicated in paragraph 1 above, the Commission held 62 fully serviced meetings, including 13 additional meetings, authorized by Economic and Social Council decision 1996/295 of 24 July 1996.

39. The resolutions and decisions adopted by the Commission at its fifty-fifth session are contained in chapter II of the present report. Draft resolutions and decisions for action by the Economic and Social Council are set out in chapter I. For a list of resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V to the present report.

40. Annex III contains a list of speakers in the general debate on agenda items 3 to 20.

41. Annex IV contains a statement regarding the administrative and programme budget implications of resolutions and decisions adopted by the Commission at its fifty-fifth session.

42. Annex VI contains a list of documents issued for the fifty-fifth session of the Commission.

G. Visits

43. During its fifty-fifth session, the Commission heard statements by the following guest speakers:

(a) At the 1st meeting, on 22 March 1999: Ms. Mary Robinson, United Nations High Commissioner for Human Rights;

(b) At the 2nd meeting, on 23 March 1999: Mr. Ural Latypov, Minister for Foreign Affairs and Deputy Prime Minister of Belarus; Mr. Joschka Fischer, Minister for Foreign Affairs of Germany (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement); Mr. Mate Granic, Deputy Prime Minister and Minister for Foreign Affairs of Croatia; Mr. Bronislaw Geremek, Minister for Foreign Affairs of Poland; Mr. Martin Palous, Deputy Minister for Foreign Affairs of the Czech Republic; Mr. José Ayala Lasso, Minister for Foreign Affairs of Ecuador; Mr. Jean Martin Mbemba, Minister for Justice of the Republic of the Congo;

(c) At the 3rd meeting, on 23 March 1999: Mr. Abdul Kader Abdul Rahman Bajamal, Vice-Prime Minister and Minister for Foreign Affairs of Yemen;

(d) At the 4th meeting, on 24 March 1999: Ms. Sadako Ogata, United Nations High Commissioner for Refugees; Ms. Carmen Moreno del Cueto, Under-Secretary for Foreign Affairs of Mexico; Mr. Pierre-Claver Zeng-Ebome, Minister for Human Rights and Relations with the Constitutional Institutions of Gabon; Ms. Liz O'Donnell, Minister of State with special responsibility for Overseas Development Assistance and Human Rights of Ireland; Mr. Carlos Lage Dávila, Vice-President of the Council of State and Secretary of the Council of Ministers of Cuba;

(e) At the 5th meeting, on 25 March 1999: Ms. Frances Rodrigues, Vice-Minister for Foreign Affairs and Cooperation of Mozambique; Mr. Soon-Young Hong, Minister for Foreign Affairs and Trade of the Republic of Korea, in connection with whose statement a statement in exercise of the equivalent of the right of reply was made by the Observer for the Democratic People's Republic of Korea; Mr. Abdool Razack Peeroo, Minister of Justice, Human Rights and Corporate Affairs and Minister of Labour and Industrial Relations of Mauritius; Mr. Abderrahim Zouari, Minister of Education of Tunisia;

(f) At the 6th meeting, on 26 March 1999: Ms. Patrizia Toia, Under-Secretary of State for Foreign Affairs of Italy; Mr. Charles Josselin, Minister Delegate for Cooperation and Francophonie of France, in connection with whose statement a statement in exercise of the right of reply was made by the representative of the Russian Federation; Ms. Tarja Halonen, Minister for Foreign Affairs of Finland; Ms. Hilde Frafjord Johnson, Minister of International Development and Human Rights of Norway;

(g) At the 8th meeting, on 30 March 1999: Mr. Augustin Kontchou Kouomegni, Minister of State in charge of External Relations of Cameroon (statement read by Mr. Samuel Mvondo Ayolo, Director of United Nations Affairs at the Ministry for Foreign Affairs of Cameroon); Mr. Ignatius C. Olisemeka, Minister for Foreign Affairs of Nigeria;

(h) At the 11th meeting, on 31 March 1999: Ms. Anna Lindh, Minister for Foreign Affairs of Sweden, in connection with whose statement a statement in exercise of the equivalent of the right of reply was made at the 12th meeting, on 31 March 1999, by the Observer for Turkey, followed by a statement in exercise of the equivalent of the right of reply by the Observer for Sweden; Mr. Derek Fatchett, Minister of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland;

(i) At the 13th meeting, on 1 April 1999: Ms. Lydie Err, Secretary of State for Foreign Affairs, External Trade and Cooperation of Luxembourg; Mr. Vasily Sredine, Deputy-Minister for Foreign Affairs of the Russian Federation, in connection with whose statement a statement in exercise of the right of reply was made at the 21st meeting by the representative of Latvia; Mr. Eugène Nindorera, Minister for Human Rights of Burundi;

(j) At the 14th meeting, on 1 April 1999: Mr. Pierre-Henri Imbert, Director of Human Rights of the Council of Europe;

(k) At the 19th meeting, on 7 April 1999: Mr. Ali Muhamad Osman Yasin, Minister for Justice and Attorney-General of the Sudan; Mr. Azeddine Laraki, Secretary-General of the Organization of the Islamic Conference; Mr. Sartaj Aziz, Minister for Foreign Affairs of Pakistan, in connection with whose statement a statement in exercise of the right of reply was made at the 20th meeting by the representative of India, followed by a statement in exercise of the right of reply by the representative of Pakistan; Mr. Kofi Annan, Secretary-General of the United Nations;

(l) At the 20th meeting, on 7 April 1999: Mr. Léonard She Okitumdu, Minister for Human Rights of the Democratic Republic of the Congo, in connection with whose statement statements in exercise of the right of reply or the equivalent of the right of reply were made at the 21st meeting by the representative of Rwanda and by the Observer for Burundi;

(m) At the 21st meeting, on 8 April 1999: Mr. Mohamed Auajjar, Minister for Human Rights of Morocco; Mr. Zéphirin Diabré, Associate Administrator of the United Nations Development Programme;

(n) At the 27th meeting, on 12 April 1999: Mr. Jacques Baudin, Minister for Foreign Affairs of Senegal;

(o) At the 34th meeting, on 15 April 1999: Dr. Peter Piot, Executive Director of the Joint United Nations Programme on HIV/AIDS; Mr. Gustavo Bell Lemus, Vice-President of Colombia;

(p) At the 41st meeting, on 19 April 1999: Mr. Harry Olympio, Minister for the Promotion of Democracy and the Rule of Law of Togo;

(q) At the 42nd meeting, on 19 April 1999: Ms. Melba Pría, Director-General of the National Institute for Indigenous Affairs of Mexico.

44. At the 6th meeting, a statement in exercise of the right of reply was made by the representative of Cuba.

H. Other matters

45. At its 44th meeting, on 20 April 1999, the Commission observed a minute of silence in memory of human rights defenders who had lost their lives for the cause of human rights.

46. At the 56th meeting, on 27 April 1999, Ms. Bianca Lattuada, Chief of the Programme Planning and Budget Section in the Division of Administration of the United Nations Office at Geneva, made a statement on administrative and budgetary matters.

I. Organization of the work of the fifty-sixth session of the Commission

47. At the 60th meeting, on 28 April 1999, the Chairperson orally proposed a draft decision concerning the organization of the work of the fifty-sixth session of the Commission (dates of the session).

48. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1999/112.

49. At the same meeting, the Chairperson orally proposed a draft decision concerning the organization of the work of the fifty-sixth session of the Commission (additional meetings).

50. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1999/113.

J. Concluding remarks

51. At the 62nd meeting, on 30 April 1999, concluding remarks were made by the following speakers:

(a) Ms. Mary Robinson, United Nations High Commissioner for Human Rights;

(b) Ms. Anne Anderson, Chairperson of the fifty-fifth session of the Commission on Human Rights;

(c) The representative of Sri Lanka (on behalf of the Group of Asian States);

(d) The representative of Tunisia (on behalf of the Group of African States);

(e) The representative of Latvia (on behalf of the Group of Eastern European States);

(f) The representative of Guatemala (on behalf of the Group of Latin American and Caribbean States);

(g) The representative of Norway (on behalf of the Group of Western European and other States).

IV. REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

52. The Commission considered agenda item 4 at its 3rd meeting, on 23 March, at its 55th meeting, on 26 April, and at its 56th meeting, on 27 April 1999. 1/

53. For the documents issued under agenda item 4, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V to the present report.

54. At the 3rd meeting, on 23 March 1999, the United Nations High Commissioner for Human Rights, Ms. Mary Robinson, introduced her reports (E/CN.4/1999/3 and Corr.1, Add.1 and Add.1/Corr.1-2, Add.2, and E/CN.4/1999/9).

55. In the general debate on agenda item 4, statements were made by members of the Commission, observers and non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Strengthening of the Office of the United Nations High Commissioner for Human Rights

56. At the 55th meeting, on 26 April 1999, the representative of Pakistan introduced draft resolution E/CN.4/1999/L.7, sponsored by Bangladesh, China, Cuba, Egypt, India, Malaysia, Mexico, Nepal, Pakistan, the Philippines and Sri Lanka. Algeria, Argentina, Australia, Austria, Bhutan, Croatia, Denmark, Finland, France, Germany, Greece, Ireland, the Islamic Republic of Iran, Japan, the Netherlands, South Africa, the Sudan, Switzerland and Togo subsequently joined the sponsors.

57. Paragraphs 7 and 18 of the draft resolution were orally revised by the representative of Pakistan.

58. On the proposal of the Chairperson, consideration of the draft resolution was postponed.

59. At its 56th meeting, on 27 April 1999, the Commission resumed consideration of the draft resolution.

60. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/54.

V. THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

61. The Commission considered agenda item 5 at its 3rd to 6th meetings, from 23 to 26 March, at its 50th meeting, on 23 April, and at its 56th meeting, on 27 April 1999. 1/

62. For the documents issued under agenda item 5, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V to the present report.

63. At the 4th meeting, on 24 March 1999, the report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/1999/11), was introduced by Mr. Enrique Bernales Ballesteros, Special Rapporteur.

64. In the general debate on agenda item 5, statements were made by members of the Commission, observers and non-governmental organizations. For a detailed list of speakers, see annex III.

The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

65. At the 50th meeting, on 23 April 1999, the representative of Cuba introduced draft resolution E/CN.4/1999/L.5, sponsored by Algeria, Angola, Cuba, the Democratic People's Republic of Korea, Egypt, Ethiopia, Guinea, India, Iraq, Madagascar, Republic of the Congo, Uganda, Viet Nam and Yemen. Costa Rica, Eritrea, Ghana and Nigeria subsequently joined the sponsors.

66. Statements in explanation of vote before the vote were made by the representatives of Germany (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement), the United States of America and Uruguay.

67. The representative of Canada requested a vote. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, which was adopted by 35 votes to 12, with 6 abstentions. The voting was as follows:

In favour:	Bangladesh, Bhutan, Botswana, Cape Verde, Chile, China, Colombia, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, India, Indonesia, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Pakistan, Peru, Philippines, Qatar, Republic of the Congo, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uruguay, Venezuela.
Against:	Austria, Canada, Czech Republic, Germany, Japan, Latvia, Luxembourg, Norway, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, France, Ireland, Italy, Liberia, Republic of Korea.

68. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/3.

Question of Western Sahara

69. At the 50th meeting, the Chairperson submitted draft resolution E/CN.4/1999/L.6.

70. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/4.

Situation in occupied Palestine

71. At the 56th meeting, on 27 April 1999, the representative of Qatar introduced draft resolution E/CN.4/1999/L.4/Rev.1, sponsored by Algeria, Bahrain, Bangladesh, China, Cuba, Egypt, Indonesia, Jordan, Kuwait, Malaysia, Mauritania, Morocco, Oman, Pakistan, Palestine, Qatar, Saudi Arabia, the Sudan, Tunisia and Yemen. The Libyan Arab Jamahiriya, Madagascar, South Africa and the United Arab Emirates subsequently joined the sponsors.

72. Statements in connection with the draft resolution were made by the Observers for Israel and Palestine.

73. Statements in explanation of vote before the vote were made by the representatives of Canada, Germany (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia aligned themselves with the statement) and Norway.

74. The representative of the United States of America requested a vote. At the request of the representative of Qatar, a roll-call vote was taken on the draft resolution, which was adopted by 44 votes to 1, with 8 abstentions. The voting was as follows:

In favour: Austria, Bangladesh, Bhutan, Botswana, Cape Verde, Chile, China, Colombia, Cuba, Czech Republic, Democratic Republic of the Congo, France, Germany, India, Indonesia, Ireland, Italy, Japan, Latvia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Norway, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Republic of the Congo, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, United Kingdom of Great Britain and Northern Ireland, Venezuela.

Against: United States of America.

Abstaining: Argentina, Canada, Ecuador, El Salvador, Guatemala, Liberia, Romania, Uruguay.

75. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/55.

VI. RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

76. The Commission considered agenda item 6 at its 5th meeting, on 25 March, at its 7th to 9th meetings, on 30 March, and at its 42nd, 55th, 59th, 61st and 62nd meetings, on 19, 26, 28, 29 and 30 April 1999. 1/

77. For the documents issued under agenda item 6, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

78. At the 5th meeting, on 25 March 1999, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Maurice Glèlè-Ahanhanzo, introduced his report (E/CN.4/1999/15 and Add.1).

79. At the 42nd meeting, on 19 April 1999, the Chairperson-Rapporteur of the sessional open-ended Working Group to review and formulate proposals for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Ms. Absa Claude Diallo, introduced the report of the Working Group (E/CN.4/1999/16 and Corr.1-2)

80. In the general debate on agenda item 6, statements were made by members of the Commission, observers and non-governmental organizations. For a detailed list of speakers, see annex III.

Racism, racial discrimination, xenophobia and related intolerance

81. At the 55th meeting, on 26 April 1999, the representative of Tunisia introduced draft resolution E/CN.4/1999/L.60, sponsored by Cuba, Finland, France, Germany, the Islamic Republic of Iran, Mexico, Switzerland, Tunisia (on behalf of the Group of African States) and Turkey. Australia, Austria, Brazil, Canada, Costa Rica, China, El Salvador, Eritrea, Guatemala, Greece, India, Israel, Italy, New Zealand, Norway, Pakistan and Uruguay subsequently joined the sponsors.

82. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

83. Statements in connection with the draft resolution were made by the representatives of Cuba, Pakistan and Tunisia.

84. At the request of the representatives of Cuba and Tunisia, consideration of the draft resolution was postponed.

85. At the 59th meeting, on 28 April 1999, the Commission resumed consideration of draft resolution E/CN.4/1999/L.60.

86. Statements in connection with the draft resolution were made by the representatives of Cuba and Tunisia.

87. A statement updating the estimated administrative and programme budget implications 2/ of the draft resolution was made by a representative of the secretariat.

88. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/78.

89. A statement was made by the Deputy High Commissioner for Human Rights, Mr. Bertrand Ramcharan, after the adoption of the resolution.

Defamation of religions

90. At the 61st meeting, on 29 April 1999, the representative of Pakistan introduced draft resolution E/CN.4/1999/L.40, sponsored by Pakistan (on behalf of the Member States of the United Nations that are members of the Organization of the Islamic Conference).

91. The representative of Germany (on behalf of the European Union) introduced proposed amendments (E/CN.4/1999/L.90) to draft resolution E/CN.4/1999/L.40, sponsored by Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Hungary and Norway subsequently joined the sponsors.

92. The representative of India orally revised paragraph 2 of the proposed amendments.

93. The representative of Japan made a statement in connection with the proposed amendments.

94. At the same meeting, the representative of Pakistan introduced proposed sub-amendments (E/CN.4/1999/L.104) to the amendments to draft resolution E/CN.4/1999/L.40, sponsored by Pakistan (on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference).

95. Statements in connection with the proposed sub-amendments were made by the representatives of Cuba, Germany and Sri Lanka.

96. At the request of the representative of Pakistan, the Chairperson subsequently postponed the decision to be taken on the proposed resolution, amendments and sub-amendments.

97. At its 62nd meeting, on 30 April 1999, the Commission considered draft resolution E/CN.4/1999/L.40/Rev.1, sponsored by Pakistan (on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference).

98. The representative of Pakistan orally revised the draft resolution by inserting a new paragraph 4.

99. Statements in connection with the draft resolution were made by the representatives of Chile, Guatemala and India.

100. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

101. Draft resolution E/CN.4/1999/L.40/Rev.1, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/82.

102. Following the adoption of the resolution, the representative of Germany (on behalf of the European Union) made a statement in explanation of his delegation's position.

VII. THE RIGHT TO DEVELOPMENT

103. The Commission considered agenda item 7 at its 9th to 11th meetings, from 30 and 31 March, and at its 59th meeting, on 28 April 1999. 1/

104. For the documents issued under agenda item 7, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

105. At the 9th meeting, on 30 March 1999, the independent expert on the right to development, Mr. Arjun Sengupta, made a statement.

106. In the general debate on agenda item 7, statements were made by representatives of Member States of the Commission, observers and non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

The right to development

107. At the 59th meeting, on 28 April 1999, the representatives of South Africa and China introduced draft resolution E/CN.4/1999/L.8, sponsored by China and South Africa (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries). Argentina, Australia, Austria, Belgium, Brazil, Canada, Denmark, the Dominican Republic, El Salvador, Finland, France, Germany, Greece, Ireland, Italy, Japan, New Zealand, Norway, Paraguay, Portugal, Spain and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

108. Paragraphs 9 and 10 of the draft resolution were orally revised by the representative of South Africa.

109. Statements in connection with the draft resolution were made by the representatives of Bangladesh, Germany (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement), Japan (also on behalf of Australia and New Zealand), Norway (also on behalf of Canada) and the United States of America.

110. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/79.

VIII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

111. The Commission considered agenda item 8 at its 11th and 12th meetings, on 31 March, and at its 50th meeting, on 23 April 1999. 1/

112. For the documents issued under agenda item 8, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V to the present report.

113. At the 11th meeting, on 31 March 1999, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Mr. Hannu Halinen, introduced his report (E/CN.4/1999/24). At the 12th meeting, on the same day, the Special Rapporteur made his concluding remarks.

114. In the general debate on agenda item 8, statements were made by members of the Commission, observers and non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

115. At its 50th meeting, on 23 April 1999, the Commission took up consideration of the draft resolutions submitted under agenda item 8.

Question of the violation of human rights in the occupied Arab territories, including Palestine

116. The representative of Tunisia introduced draft resolution E/CN.4/1999/L.9, sponsored by Algeria, Bahrain, Bangladesh, China, Cuba, Egypt, Indonesia, Jordan, Kuwait, Madagascar, Malaysia, Mauritania, Morocco, Oman, Pakistan, Palestine, Qatar, Saudi Arabia, the Sudan, Tunisia and Yemen. Niger, South Africa and the United Arab Emirates subsequently joined the sponsors.

117. A statement in connection with the draft resolution was made by the Observer for Israel.

118. Statements in explanation of vote before the vote were made by the representatives of Germany (on behalf of the European Union) and Norway.

119. The representative of the United States of America requested a vote. At the request of the representative of Tunisia, a roll-call vote was taken on the draft resolution, which was adopted by 31 votes to 1, with 21 abstentions. The voting was as follows:

In favour: Bangladesh, Bhutan, Botswana, Cape Verde, Chile, China, Colombia, Cuba, Democratic Republic of the Congo, India, Indonesia, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Pakistan, Peru, Philippines, Qatar, Republic of Korea, Republic of the Congo, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Venezuela.

Against: United States of America.

Abstaining: Argentina, Austria, Canada, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Norway, Poland, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, Uruguay.

120. A statement in explanation of vote after the vote was made by the representative of the Russian Federation.

121. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/5.

Human rights in the occupied Syrian Golan

122. The Observer for the Syrian Arab Republic introduced draft resolution E/CN.4/1999/L.13, sponsored by Algeria, Bahrain, Bangladesh, Cuba, the Democratic People's Republic of Korea, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen. Palestine subsequently joined the sponsors.

123. A statement in explanation of vote before the vote was made by the representative of Germany (on behalf of the European Union, and Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement).

124. The representative of the United States of America requested a vote. At the request of the Observer for the Syrian Arab Republic, a roll-call vote was taken on the draft resolution, which was adopted by 32 votes to 1, with 20 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Bhutan, Botswana, Cape Verde, Chile, China, Colombia, Cuba, Democratic Republic of the Congo, India, Indonesia, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Pakistan, Philippines, Qatar, Republic of Korea, Republic of the Congo, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Venezuela.

Against: United States of America.

Abstaining: Austria, Canada, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Norway, Peru, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, Uruguay.

125. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/6.

Israeli settlements in the occupied Arab territories

126. The representative of Germany (on behalf of the European Union) introduced draft resolution E/CN.4/1999/L.15, sponsored by Algeria, Australia,

Austria, Bangladesh, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Egypt, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Jordan, Liechtenstein, Luxembourg, Malta, Morocco, the Netherlands, New Zealand, Portugal, San Marino, Saudi Arabia, South Africa, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Belarus, Madagascar, Niger, the Russian Federation, Slovakia and Tunisia subsequently joined the sponsors.

127. A statement in connection with the draft resolution was made by the Observer for Israel.

128. The representative of the United States of America requested a vote. At the request of the representative of Germany, a roll-call vote was taken on the draft resolution, which was adopted by 50 votes to 1, with 2 abstentions. The voting was as follows:

In favour:, Argentina, Austria, Bangladesh, Bhutan, Botswana, Canada, Cape Verde, Chile, China, Colombia, Cuba, Czech Republic, Democratic Republic of the Congo, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Ireland, Italy, Japan, Latvia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Norway, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Republic of the Congo, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against: United States of America.

Abstaining: Liberia, Romania.

129. A statement in explanation of vote after the vote was made by the representative of South Africa.

130. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/7.

IX. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS;

(b) PROCEDURE ESTABLISHED IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

131. The Commission considered agenda item 9 and sub-item (a) at its 12th to 15th meetings, on 31 March and 1 April, at its 17th to 21st meetings, from 6 to 8 April, at its 30th meeting, on 13 April, at its 50th to 52nd meetings, on 23 April, and at its 55th to 56th meetings, on 26 and 27 April 1999. 1/ Item 9 (b) was considered by the Commission in closed session (see paras. 246-251 below).

132. For the documents issued under agenda item 9, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

133. At the 12th meeting, on 31 March 1999, the Special Rapporteur on the situation of human rights in Iraq, Mr. Max van der Stoel, introduced his report (E/CN.4/1999/37).

134. At the 13th meeting, on 1 April 1999:

(a) The Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, Mr. Roberto Garretón, introduced his report (E/CN.4/1999/31). At the same meeting, the Special Rapporteur made his concluding remarks;

(b) The Special Rapporteur on the situation of human rights in Burundi, Mr. Paulo Sérgio Pinheiro, made a statement. At the 20th meeting, on 7 April 1999, he made his concluding remarks;

(c) The Special Rapporteur on the situation of human rights in Myanmar, Mr. Rajsoomer Lallah, introduced his report (E/CN.4/1999/35);

(d) The Special Representative of the Commission on the situation of human rights in Rwanda, Mr. Michel Moussalli, introduced his report (E/CN.4/1999/33). At the 20th meeting, the Special Representative made his concluding remarks.

135. At the 14th meeting, on 1 April 1999:

(a) The Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran, Mr. Maurice Copithorne, introduced his report (E/CN.4/1999/32);

(b) The Special Rapporteur on the situation of human rights in Nigeria, Mr. Soli Jehangir Sorabjee, introduced his report (E/CN.4/1999/36).

136. At the 17th meeting, on 6 April 1999, the following special rapporteurs introduced their reports:

(a) Special Rapporteur on the situation of human rights in Afghanistan, Mr. Kamal Hossain (E/CN.4/1999/40);

(b) Special Rapporteur on the situation of human rights in the Sudan, Mr. Leonardo Franco (E/CN.4/1999/38).

137. At the 18th meeting, on 6 April 1999, the Special Rapporteur on the situation of human rights in Equatorial Guinea, Mr. Alejandro Artucio, introduced his report (E/CN.4/1999/41).

138 In the general debate on agenda item 9, statements were made by members of the Commission, observers and non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Kosovo

139. At the 14th meeting, Ms. Mary Robinson, United Nations High Commissioner for Human Rights, made a statement regarding the situation in Kosovo.

140. Also at the 14th meeting, Mr. Jiri Dienstbier, Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, introduced his report (E/CN.4/1999/42).

141. At the same meeting, the Commission heard a statement by Mr. Sõren Jessen-Petersen, Assistant High Commissioner for Refugees.

142. At its 14th and 15th meetings, on 1 April 1999, the Commission heard statements by members of the Commission, observers and representatives of non-governmental organizations.

Situation of human rights in Sierra Leone

143. At the 17th meeting, the Chairperson read out the text of resolution 1999/1, entitled "Situation of human rights in Sierra Leone", which was adopted, without a vote, at the 16th (closed) meeting, also on 6 April 1999 (see para. 249 below).

144. For the text of the resolution, see chapter II, section A, resolution 1999/1.

Situation of human rights in Kosovo

145. At the 30th meeting, on 13 April 1999, the representative of Pakistan introduced draft resolution E/CN.4/1999/L.3/Rev.1, sponsored by Australia, Austria, Canada, Germany, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Pakistan (on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference), Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Belgium, Bulgaria, the Czech Republic, Denmark, Estonia, Finland, France, Greece, Hungary, Iceland, Ireland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Portugal, Romania, San Marino and Slovenia subsequently joined the sponsors.

146. The representative of Pakistan orally revised the draft resolution by making changes to operative paragraph 6.

147. Statements in explanation of vote before the vote were made by the representatives of Argentina, Chile, Colombia, Ecuador, Guatemala, India, Mauritius, Mexico, Peru, the Russian Federation, Sri Lanka, Uruguay and Venezuela.

148. At the request of the representative of the Russian Federation, a roll-call vote was taken on the draft resolution, as orally revised. It was adopted by 44 votes to 1, with 6 abstentions. The voting was as follows:

In favour: Argentina, Austria, Bangladesh, Bhutan, Botswana, Canada, Cape Verde, Chile, Colombia, Czech Republic, Democratic Republic of the Congo, Ecuador, El Salvador, France, Germany, Guatemala, Indonesia, Ireland, Italy, Japan, Latvia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Norway, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Romania, Rwanda, Senegal, Sri Lanka, Sudan, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Russian Federation.

Abstaining: China, Cuba, India, Nepal, Republic of the Congo, South Africa.

149. Statements in explanation of vote after the vote were made by the representatives of Botswana, China, Cuba, Nepal and South Africa.

150. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/2.

Situation of human rights in Cuba

151. At the 50th meeting, on 23 April 1999, the representative of the Czech Republic introduced draft resolution E/CN.4/1999/L.14, sponsored by the Czech Republic and Poland. Australia, Austria, Bulgaria, Canada, Denmark, Finland, Germany, Hungary, Iceland, Israel, Japan, Lithuania, the Netherlands, Nicaragua, Slovakia, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay subsequently joined the sponsors.

152. A statement in connection with the draft resolution was made by the representative of Cuba.

153. Statements in explanation of vote before the vote were made by the representatives of Chile, China, Colombia, Guatemala, Mexico, Qatar and Venezuela.

154. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, which was adopted by 21 votes to 20, with 12 abstentions. The voting was as follows:

In favour: Argentina, Austria, Canada, Chile, Czech Republic, Ecuador, France, Germany, Ireland, Italy, Japan, Latvia, Luxembourg, Morocco, Norway, Poland, Republic of Korea, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Bhutan, Cape Verde, China, Cuba, Democratic Republic of the Congo, India, Indonesia, Mexico, Niger, Pakistan, Peru, Qatar, Republic of the Congo, Russian Federation, Rwanda, South Africa, Sri Lanka, Sudan, Tunisia, Venezuela.

Abstaining: Bangladesh, Botswana, Colombia, El Salvador, Guatemala, Liberia, Madagascar, Mauritius, Mozambique, Nepal, Philippines, Senegal.

155. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/8.

Situation of human rights in Afghanistan

156. Also at the 50th meeting, the Chairperson submitted draft resolution E/CN.4/1999/L.16.

157. Statements in connection with the draft resolution were made by the representative of Pakistan and the Observer for Afghanistan.

158. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

159. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/9.

Situation of human rights in Burundi

160. At the same meeting, the representative of Tunisia introduced draft resolution E/CN.4/1999/L.18, sponsored by Tunisia (on behalf of the Group of African States). Costa Rica subsequently joined the sponsors.

161. A statement in connection with the draft resolution was made by the representative of Germany (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement).

162. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

163. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/10.

Situation of human rights in China

164. At the 51st meeting, on 23 April 1999, the representative of the United States of America introduced draft resolution E/CN.4/1999/L.22, sponsored by Poland and the United States of America. The draft resolution read as follows:

"Situation of human rights in China

"The Commission on Human Rights,

"Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

"Mindful that China is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child,

"Noting that China has, in the past two years, signed both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, although it has yet to ratify either,

"Noting that China has signed and implemented a memorandum of intent with the United Nations High Commissioner for Human Rights to develop a programme of advisory services and technical assistance for China in meeting its international human rights obligations,

"Recognizing the significant transformation that Chinese society has undergone since the introduction of the reform policies and the successful efforts of the Government of China in the development of the economic situation of the country and in reducing the share of its people living in extreme poverty, thus enhancing the enjoyment of economic rights,

"Taking note of the reports of the Special Rapporteur on the question of torture (E/CN.4/1999/61), of the Special Rapporteur on the promotion and protection of the freedom of opinion and expression (E/CN.4/1999/64), of the Special Rapporteur on the independence of judges and lawyers (E/CN.4/1999/60), of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1999/68 and Add.1 and 4), of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1999/39 and Add.1) and of the Special Rapporteur on religious intolerance (E/CN.4/1999/58), as well as the reports of the Working Group on Arbitrary Detention (E/CN.4/1999/63) and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1999/62), "1. Welcomes:

"(a) The readiness of the Government of China to exchange information on human rights issues;

"(b) Progress on the codification of China's legal practice, including changes to China's criminal procedure law;

"(c) China's expressed interest/intent to proceed promptly with ratification of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

"2. Expresses its concern:

"(a) At continuing reports of violations of human rights and fundamental freedoms in China and severe restrictions on the rights of citizens to the freedoms of non-violent assembly, association, expression and religion, as well as to due legal process and to a fair trial, including harsh sentences for some seeking to exercise their rights;

"(b) At increased restrictions on the exercise of cultural, religious and other freedoms of Tibetans;

"3. Calls upon the Government of China:

"(a) To ensure the observance of all human rights, in accordance with its obligations under the human rights conventions to which it is a party, and to ratify in the near future the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

"(b) To take further measures to improve the impartial administration of justice and the rule of law;

"(c) To release political prisoners, including persons imprisoned for non-violent counter-revolutionary activity;

"(d) To preserve and protect the distinct cultural, ethnic, linguistic and religious identity of Tibetans and others;

"(e) To continue to strengthen its bilateral dialogues and its cooperation with the Office of the United Nations High Commissioner for Human Rights as an important instrument of mutual information and cooperation, with a view to reaching further positive developments before the next session of the Commission;

"(f) To cooperate fully with all thematic special rapporteurs and working groups of the Commission and to engage in a dialogue with the United Nations High Commissioner for Human Rights in accordance with the High Commissioner's mandate;

"4. Decides to continue its consideration of the situation of human rights in China at its fifty-sixth session."

165. A statement in connection with the draft resolution was made by the representative of China. Under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, the representative of China moved that the Commission take no decision on the draft resolution.

166. Statements in connection with that motion were made by the representatives of Bangladesh, Canada, Cuba, Germany (on behalf of the European Union), Japan, Pakistan, Sri Lanka, the Sudan and the United States of America.

167. Statements in explanation of vote before the vote were made by the representatives of El Salvador and Nepal.

168. At the request of the representatives of China and the United States of America, a roll-call vote was taken on the motion, which was carried by 22 votes to 17, with 14 abstentions. The voting was as follows:

In favour: Bangladesh, Bhutan, Botswana, Cape Verde, China, Colombia, Cuba, Democratic Republic of the Congo, India, Indonesia, Madagascar, Morocco, Mozambique, Nepal, Pakistan, Peru, Qatar, Republic of the Congo, Russian Federation, Sri Lanka, Sudan, Venezuela.

Against: Austria, Canada, Czech Republic, El Salvador, France, Germany, Ireland, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Rwanda, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Chile, Ecuador, Guatemala, Liberia, Mauritius, Mexico, Niger, Philippines, Republic of Korea, Romania, Senegal, Tunisia, Uruguay.

Situation of human rights in Nigeria

169. Also at the 51st meeting, the representative of Tunisia introduced draft resolution E/CN.4/1999/L.24, sponsored by Tunisia (on behalf of the Group of African States). Cuba and the Czech Republic subsequently joined the sponsors.

170. Statements in connection with the draft resolution were made by the representatives of Canada, Cuba, Germany (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement) and the Sudan.

171. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/11.

Human rights situation in southern Lebanon and west Bekaa

172. At the 51st meeting, the representative of Tunisia introduced draft resolution E/CN.4/1999/L.25/Rev.1, sponsored by Afghanistan, Algeria, Bahrain,

Bangladesh, Cuba, Egypt, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Oman, Pakistan, Palestine, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen.

173. A statement in connection with the draft resolution was made by the Observer for Israel.

174. The representative of the United States of America requested a vote. At the request of the representative of Tunisia, a roll-call vote was taken on the draft resolution, which was adopted by 49 votes to 1, with 3 abstentions. The voting was as follows:

In favour: Austria, Bangladesh, Bhutan, Botswana, Canada, Cape Verde, Chile, China, Colombia, Cuba, Czech Republic, Democratic Republic of the Congo, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Ireland, Italy, Japan, Latvia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Norway, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Republic of the Congo, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against: United States of America.

Abstaining: Argentina, Liberia, Romania.

175. The representative of Argentina subsequently indicated that he had intended to vote in favour of the draft resolution.

176. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/12.

Situation of human rights in the Islamic Republic of Iran

177. Also at the 51st meeting, the representative of Germany (on behalf of the European Union) introduced draft resolution E/CN.4/1999/L.27, sponsored by Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Costa Rica and Israel subsequently joined the sponsors.

178. Statements in connection with the draft resolution were made by the representatives of Pakistan (on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference) and the Sudan and the Observer for the Islamic Republic of Iran.

179. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

180. Statements in explanation of vote before the vote were made by the representatives of Argentina, Bangladesh, Chile, China, Cuba, Ecuador, Guatemala, the Philippines, Qatar, the Russian Federation and Venezuela.

181. At the request of the representative of Pakistan, a roll-call vote was taken on the draft resolution, which was adopted by 23 votes to 16, with 14 abstentions. The voting was as follows:

In favour: Austria, Canada, Chile, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Mauritius, Norway, Poland, Republic of the Congo, Romania, Rwanda, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Bangladesh, Bhutan, China, Colombia, Cuba, India, Indonesia, Morocco, Pakistan, Philippines, Qatar, Senegal, Sri Lanka, Sudan, Tunisia, Venezuela.

Abstaining: Argentina, Botswana, Cape Verde, Democratic Republic of the Congo, Madagascar, Mexico, Mozambique, Nepal, Niger, Peru, Republic of Korea, Russian Federation, South Africa, Uruguay.

182. A statement in explanation of vote after the vote was made by the representative of Japan.

183. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/13.

Situation of human rights in Iraq

184. At the 51st meeting, the representative of Germany (on behalf of the European Union) introduced draft resolution E/CN.4/1999/L.28, sponsored by Australia, Austria, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Argentina, Bulgaria, Costa Rica, the Czech Republic, Estonia, Israel and New Zealand subsequently joined the sponsors.

185. Statements in connection with the draft resolution were made by the representative of the Russian Federation and the United States of America and the Observers for Iraq and Kuwait.

186. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

187. At the request of the representative of the Russian Federation, a roll-call vote was taken on paragraphs 2 (a), 3 (g), (i), (j) and (k) together. The Commission decided, by 31 votes to none, with 22 abstentions, to retain these paragraphs. The voting was as follows:

In favour: Argentina, Austria, Bhutan, Botswana, Canada, Chile, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Mauritius, Norway, Peru, Philippines, Poland, Republic of Korea, Romania, Senegal, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: None.

Abstaining: Bangladesh, Cape Verde, China, Colombia, Cuba, Democratic Republic of the Congo, India, Indonesia, Madagascar, Mexico, Morocco, Mozambique, Nepal, Niger, Pakistan, Qatar, Republic of the Congo, Russian Federation, Rwanda, Sri Lanka, Sudan, Tunisia.

188. At the request of the representative of the Sudan, a roll-call vote was taken on the draft resolution, which was adopted by 35 votes to none, with 18 abstentions. The voting was as follows:

In favour: Argentina, Austria, Bhutan, Botswana, Canada, Chile, Colombia, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Mauritius, Mexico, Norway, Peru, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Rwanda, Senegal, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: None.

Abstaining: Bangladesh, Cape Verde, China, Cuba, Democratic Republic of the Congo, India, Indonesia, Madagascar, Morocco, Mozambique, Nepal, Niger, Pakistan, Qatar, Republic of the Congo, Sri Lanka, Sudan, Tunisia.

189. Statements in explanation of vote after the vote were made by the representatives of Pakistan and Tunisia.

190. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/14.

Situation of human rights in the Sudan

191. Also at the 51st meeting, the representative of Germany (on behalf of the European Union) introduced draft resolution E/CN.4/1999/L.29, sponsored by Austria, Belgium, Bulgaria, Canada, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Argentina, Australia, Costa Rica, the Czech Republic, Israel and Liechtenstein, subsequently joined the sponsors.

192. A statement in connection with the draft resolution was made by the representative of the Sudan.

193. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

194. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/15.

195. After the adoption of the resolution, the representatives of Norway and the United States of America each made a statement in explanation of their delegation's position.

Situation of human rights in the Democratic Republic of the Congo

196. At the 50th meeting, draft resolution E/CN.4/1999/L.20, submitted by Rwanda, was withdrawn by the sponsor.

197. At the 52nd meeting, on 23 April 1999, the representative of Germany (on behalf of the European Union) introduced draft resolution E/CN.4/1999/L.30, sponsored by Argentina, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Australia and Ecuador subsequently joined the sponsors.

198. Statements in connection with the draft resolution were made by the Democratic Republic of the Congo, Germany, Mexico and Rwanda.

199. At the request of the representative of Mexico, consideration of the draft resolution was postponed.

200. At its 55th meeting, on 26 April 1999, the Commission resumed consideration of draft resolution E/CN.4/1999/L.30.

201. The representative of Rwanda introduced proposed amendments (E/CN.4/1999/L.102) to draft resolution E/CN.4/1999/L.30, sponsored by his country.

202. A statement in connection with the draft resolution and the proposed amendments was made by the representative of Germany.

203. At the request of the representative of Chile, consideration of the draft resolution and the proposed amendments was postponed.

204. At its 56th meeting, on 27 April 1999, the Commission resumed consideration of draft resolution E/CN.4/1999/L.30 and the proposed amendments thereto (E/CN.4/1999/L.102).

205. Statements in connection with the draft resolution and the proposed amendments were made by the representatives of the Democratic Republic of the Congo, Germany, Mexico and Rwanda.

206. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

207. Statements in explanation of vote before the vote were made by the representatives of Cuba, the Democratic Republic of the Congo, Germany (on behalf of the European Union) and Tunisia.

208. At the request of the representative of Rwanda, a roll-call vote was taken on paragraphs 2 (a), (b) and (c) of the proposed amendments (E/CN.4/1999/L.102) to draft resolution E/CN.4/1999/L.30, which read as follows:

> "(a) At acts of and incitement to ethnic hatred and violence by officials of the Government which prompted the civilian population to become involved in the conflict, as indicated in the report of the Special Rapporteur;
>
> "(b) At the policy of ethnic cleansing with which the Government reacted to the outbreak of the current conflict, as indicated in the report of the Special Rapporteur;
>
> "(c) At the continuing detention in many areas across the country of persons presumed to be rebel sympathizers or members of ethnic groups which were a target of the campaign of ethnic hatred and violence, as indicated in the report of the Special Rapporteur;".

209. The proposed amendments were rejected by 26 votes to 1, with 25 abstentions. The voting was as follows:

In favour: Rwanda.

Against: Argentina, Austria, Canada, China, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, Guatemala, Ireland, Italy, Japan, Latvia, Luxembourg, Norway, Peru, Poland, Republic of Korea, Republic of the Congo, Romania, Russian Federation, Sudan, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Abstaining: Bangladesh, Bhutan, Botswana, Cape Verde, Chile, Colombia, El Salvador, India, Indonesia, Liberia, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Pakistan, Philippines, Qatar, Senegal, South Africa, Sri Lanka, Tunisia, United States of America.

210. At the request of the representative of Rwanda, a roll-call vote was taken on the proposed new paragraph 1 bis and the proposed changes to paragraphs 4, 5 (a) and 7 contained in the amendments (E/CN.4/1999/L.102) to draft resolution E/CN.4/1999/L.30, which read as follows:

"1. Add a new paragraph 1 bis, reading as follows:

"Reiterates its condemnation of the crime of ethnic cleansing;

...

"4. Add the following to the end of paragraph 4:

"and condemns the continuing activity of and support to all armed groups, including the ex-Rwandese Armed Forces, Interahamwe and others in the Democratic Republic of Congo;

"5. Replace paragraph 5 with the following text:

...

"(a) To work towards a rapid and peaceful settlement of the conflict on the basis of full respect for the equality and the harmonious coexistence of all ethnic groups and, in particular, to sign immediately a ceasefire agreement allowing the orderly withdrawal of all foreign forces with full guarantees for the security concerns of neighbouring States and the re-establishment of the authority of the Government of the Democratic Republic of Congo throughout its territory, and stresses, in the context of a lasting peaceful settlement, the need for the engagement of all Congolese in an all-inclusive process of political dialogue with a view to achieving national reconciliation and the holding on an early date of democratic, free and fair elections;

...

"6. Add a new subparagraph 7 (a) to read as follows:

"(a) To condemn publicly and take measures to put an end to all acts of and incitement to ethnic hatred, intolerance and violence within its jurisdiction or under its control and to ensure that the human rights of all individuals within its jurisdiction, irrespective of their ethnic origins or political persuasions, are fully respected;

"Renumber the subsequent paragraphs accordingly and add the following new subparagraphs to the end of paragraph 7:

"(n) To notify humanitarian organizations of the location of all places where persons presumed to be rebel sympathizers or members of the ethnic groups targeted by the hate campaign are being held and to ensure immediate and unimpeded access to such places;

"(o) To release immediately and unconditionally all such persons and permit them to be moved to safety, including, where necessary, to asylum countries, and to ensure their right to return under safe conditions;".

211. The proposed amendments were rejected by 27 votes to 1, with 24 abstentions. The voting was as follows:

In favour: Rwanda.

Against: Argentina, Austria, Canada, China, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, Guatemala, Ireland, Italy, Japan, Latvia, Luxembourg, Norway, Peru, Poland, Republic of Korea, Republic of the Congo, Romania, Russian Federation, Sudan, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: Bangladesh, Bhutan, Botswana, Cape Verde, Chile, Colombia, El Salvador, India, Indonesia, Liberia, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Pakistan, Philippines, Qatar, Senegal, South Africa, Sri Lanka, Tunisia.

212. Statements in explanation of vote after the vote on the proposed amendments were made by the representatives of the Democratic Republic of the Congo and Rwanda.

213. Paragraphs 2 bis and 5 (b) of the proposed amendments (E/CN.4/1999/L.102) to be inserted into draft resolution E/CN.4/1999/L.30 were accepted by the sponsors of draft resolution E/CN.4/1999/L.30.

214. The draft resolution, as amended, was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/56.

215. After the adoption of the resolution, a statement was made by the representative of the United States of America in explanation of his delegation's position.

Cooperation with representatives of United Nations human rights bodies

216. At the 52nd meeting, the Observer for Hungary introduced draft resolution E/CN.4/1999/L.31, sponsored by Argentina, Australia Austria, Brazil, Canada, Chile, Denmark, the Dominican Republic, El Salvador, Haiti, Honduras, Hungary, Ireland, Italy, Japan, Latvia, the Netherlands, Norway, Poland, Romania, Slovakia, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Costa Rica, Finland, the Republic of Korea and The former Yugoslav Republic of Macedonia subsequently joined the sponsors.

217. Statements in connection with the draft resolution were made by the representatives of China, Cuba and the Observer for Hungary.

218. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/16.

Situation of human rights in Myanmar

219. Also at the 52nd meeting, the representative of Germany (on behalf of the European Union) introduced draft resolution E/CN.4/1999/L.32, sponsored by Austria, Belgium, Bulgaria, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, the Netherlands, New Zealand, Portugal, Romania, San Marino, Slovakia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Australia, Costa Rica, the Czech Republic, Estonia, Latvia, Lithuania, Malta, Norway, Poland, the Republic of Korea, Slovenia and the United States of America subsequently joined the sponsors.

220. Paragraphs 1 (d), 2 and 7 of the draft resolution were orally revised by the representative of Germany.

221. A statement in connection with the draft resolution was made by the Observer for Myanmar.

222. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

223. The draft resolution, as orally revised, was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/17.

224. After the adoption of the resolution, a statement was made by the representative of Japan in explanation of his delegation's position.

Situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina

225. At the 52nd meeting, the representative of the United States of America introduced draft resolution E/CN.4/1999/L.34/Rev.1, sponsored by Bulgaria, Canada, Germany, Hungary, Liechtenstein, Lithuania, Luxembourg, Morocco, the Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Albania, Australia, Austria, Belgium, Cyprus, the Czech Republic, Denmark, Finland, France, Greece, Italy, Japan, Malta, New Zealand, Norway, Poland, Switzerland, Sweden and The former Yugoslav Republic of Macedonia subsequently joined the sponsors.

226. At the request of the representative of Pakistan, the representative of the United States of America orally revised paragraph 9 (f) of the draft resolution.

227. Statements in connection with the draft resolution were made by the representatives of Pakistan (on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference) and the United States of America and by the Observer for Croatia.

228. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

229. Statements in explanation of vote before the vote were made by the representatives of Argentina, Canada, Cuba, Chile, Colombia, France, Germany (on behalf of the European Union), India, Pakistan, Peru, the Russian Federation, the United States of America, Uruguay and Venezuela.

230. At the request of the representatives of India and the Russian Federation, a roll-call vote was taken on section III of the draft resolution. The Commission decided, by 33 votes to 4, with 16 abstentions, to retain this section. The voting was as follows:

In favour: Austria, Bangladesh, Botswana, Canada, Czech Republic, Democratic Republic of the Congo, El Salvador, France, Germany, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Madagascar, Morocco, Niger, Norway, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Romania, Rwanda, Senegal, Sudan, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: China, Cuba, India, Russian Federation.

Abstaining: Argentina, Bhutan, Cape Verde, Chile, Colombia, Ecuador, Guatemala, Indonesia, Mauritius, Mexico, Mozambique, Nepal, Republic of the Congo, South Africa, Sri Lanka, Venezuela.

231. The representatives of China and Mauritius made statements in explanation of vote before the vote.

232. At the request of the representative of the Russian Federation, a roll-call vote was taken on the draft resolution, as orally amended. The draft resolution was adopted by 46 votes to 1, with 6 abstentions. The voting was as follows:

In favour: Argentina, Austria, Bangladesh, Bhutan, Botswana, Canada, Cape Verde, Chile, Colombia, Czech Republic, Democratic Republic of the Congo, Ecuador, El Salvador, France, Germany, Guatemala, Indonesia, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Madagascar, Mauritius, Morocco, Mozambique, Niger, Norway, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Romania, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Russian Federation.

Abstaining: China, Cuba, India, Mexico, Nepal, Republic of the Congo.

233. A statement in explanation of vote after the vote was made by the representative of Nepal.

234. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/18.

Situation of human rights in Equatorial Guinea and assistance in the field of human rights

235. Also at the 52nd meeting, the representative of Tunisia introduced draft resolution E/CN.4/1999/L.36/Rev.1, sponsored by Tunisia (on behalf of the Group of African States).

236. A statement in connection with the draft resolution was made by the Observer for Equatorial Guinea.

237. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

238. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/19.

Situation of human rights in Rwanda

239. At the 52nd meeting, the representative of Tunisia introduced draft resolution E/CN.4/1999/L.37, sponsored by Tunisia (on behalf of the Group of African States). Australia, Canada, Costa Rica, the Czech Republic, Japan, New Zealand and the United States of America subsequently joined the sponsors.

240. Statements in connection with the draft resolution were made by the representatives of the Democratic Republic of the Congo and Germany (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement).

241. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

242. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/20.

East Timor

243. Also at the 52nd meeting, on 23 April 1999, the Chairperson, on behalf of the Commission, made the following statement on East Timor:

> "The Commission on Human Rights, having discussed the human rights situation in East Timor under item 9 of its agenda, expresses its deep concern at the serious human rights situation and at the outbreaks of violence in East Timor, particularly the recently reported killings of civilians in Liquica and Dili.
>
> "The Commission takes into account that the talks under the auspices of the United Nations Secretary-General aimed at achieving a just, comprehensive and internationally acceptable solution to the question of East Timor taking place in New York are now at a crucial stage.

> "The Commission requests the Secretary-General to submit a report on the human rights situation in East Timor to it at its fifty-sixth session."

(a) Question of human rights in Cyprus

244. Also at the 52nd meeting, the Chairperson submitted a draft decision on the question of human rights in Cyprus.

245. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1999/103.

(b) Procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII)

246. The Commission considered agenda item 9 (b) in closed session at its 16th and 17th meetings, on 6 April 1999. It had before it for consideration under Economic and Social Council resolution 1503 (XLVIII) the human rights situations in Chad, the Gambia, Nepal, Saudi Arabia, Sierra Leone and Yemen, as publicly announced by the Chairperson.

247. The Chairperson announced that the Commission had decided to discontinue consideration of the human rights situations in the Gambia, Nepal, Saudi Arabia and Yemen and reminded the members of the Commission that, in conformity with paragraph 8 of Economic and Social Council resolution 1503 (XLVIII), they should not make any reference in public debate to the confidential decisions taken under that resolution or to any confidential material relating thereto.

248. The Chairperson also announced that the Commission had concluded consideration of the human rights situation in Chad under Economic and Social Council resolution 1503 (XLVIII) and that it had decided, acting under paragraph 8 of that resolution, to adopt the text of a decision during its consideration of item 19 entitled "Advisory services and technical cooperation in the field of human rights" (see chap. XIX, para. 527 below).

249. At its 16th (closed) meeting, the Commission concluded consideration of the human rights situation in Sierra Leone under Economic and Social Council resolution 1503 (XLVIII), by adopting a resolution, without a vote. Acting under paragraph 8 of Council resolution 1503 (XLVIII), the Commission decided that the resolution it had adopted should be made public.

250. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/1.

251. In accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the regional groups, the Chairperson would designate five members of the Commission to serve in their personal capacity on the Working Group on Situations, to meet prior to the fifty-sixth session of the Commission in 2000.

X. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

252. The Commission considered agenda item 10 at its 21st to 24th meetings, from 8 to 9 April, at its 52nd meeting, on 23 April, and at its 54th and 55th meetings, on 26 April 1999. 1/

253. For the documents issued under agenda item 10, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

254. At the 21st meeting, on 8 April 1999, the following independent experts introduced their reports:

(a) Ms. Anne-Marie Lizin, independent expert on human rights and extreme poverty (E/CN.4/1999/48);

(b) Mr. Fantu Cheru, independent expert on structural adjustment policies (E/CN.4/1999/50).

255. At the same meeting, the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Ms. Fatma-Zohra Ksentini, introduced her report (E/CN.4/1999/46 and Add.1). At the 24th meeting, on 9 April 1999, the Special Rapporteur made her concluding remarks.

256. At the 22nd meeting, on 8 April 1999:

(a) Ms. Katarina Tomasevski, Special Rapporteur on the right to education, introduced her report (E/CN.4/1999/49);

(b) Mr. Reinaldo Figueredo, the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights, made a statement.

257. In the general debate on agenda item 10, statements were made by members of the Commission, observers and non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Human rights and unilateral coercive measures

258. At the 52nd meeting, on 23 April 1999, the representative of South Africa introduced draft resolution E/CN.4/1999/L.12, sponsored by China and South Africa (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned States).

259. A statement in explanation of vote before the vote was made by the representative of the United States of America.

260. The representative of the United States of America requested a vote. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, which was adopted by 37 votes to 10, with 6 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Bhutan, Botswana, Cape Verde, Chile, China, Colombia, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, India, Indonesia, Liberia, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Pakistan, Peru, Philippines, Qatar, Republic of the Congo, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uruguay, Venezuela.

Against: Austria, Canada, Germany, Japan, Latvia, Norway, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Czech Republic, France, Ireland, Italy, Luxembourg, Republic of Korea.

261. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/21.

Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

262. Also at the 52nd meeting, the representative of Cuba introduced draft resolution E/CN.4/1999/L.17, sponsored by Angola, Cameroon, China, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, the Dominican Republic, Ghana, Haiti, Iraq, the Islamic Republic of Iran, Madagascar, Mozambique, Nigeria, Republic of the Congo, Rwanda, Viet Nam, Yemen and Zimbabwe. Côte d'Ivoire, Egypt, Indonesia, the Sudan, Tunisia and Zambia subsequently joined the sponsors.

263. The fifth preambular paragraph and paragraph 13 of the draft resolution were orally revised by the representative of Cuba.

264. Statements in explanation of vote before the vote were made by the representatives of Canada, Japan and the United States of America.

265. The representative of the United Kingdom of Great Britain and Northern Ireland requested a vote. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, as orally revised, which was adopted by 30 votes to 15, with 8 abstentions. The voting was as follows:

In favour: Bangladesh, Bhutan, Botswana, Cape Verde, China, Cuba, Democratic Republic of the Congo, Ecuador, Guatemala, India, Indonesia, Liberia, Madagascar, Mauritius, Morocco, Mozambique, Nepal, Niger, Pakistan, Philippines, Qatar, Republic of the Congo, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uruguay, Venezuela.

Against: Austria, Canada, Czech Republic, France, Germany, Ireland, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Chile, Colombia, El Salvador, Mexico, Peru, Republic of Korea, Russian Federation.

266. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/22.

Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

267. At the 54th meeting, on 26 April 1999, the representative of Tunisia introduced draft resolution E/CN.4/1999/L.19, sponsored by Tunisia (on behalf of the Group of African States). Costa Rica, the Dominican Republic, Iraq, Nicaragua and Paraguay subsequently joined the sponsors.

268. Statements in explanation of vote before the vote were made by the representatives of Japan and the United States of America.

269. The representative of Canada requested a vote. At the request of the representative of Tunisia, a roll-call vote was taken on the draft resolution, which was adopted by 36 votes to 16, with 1 abstention. The voting was as follows:

In favour: Argentina, Bangladesh, Bhutan, Botswana, Cape Verde, Chile, China, Colombia, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, India, Indonesia, Liberia, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Pakistan, Peru, Philippines, Qatar, Republic of the Congo, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uruguay, Venezuela.

Against: Austria, Canada, Czech Republic, France, Germany, Ireland, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Republic of Korea.

270. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/23.

The right to food

271. Also at the 54th meeting, the representative of Cuba introduced draft resolution E/CN.4/1999/L.21, sponsored by Algeria, Angola, Bangladesh, Belarus, Bhutan, Burundi, Cape Verde, China, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, India, Iraq, Kenya, Madagascar, Mauritania, Mozambique, Nigeria, Pakistan, Peru, the Philippines, Republic of the Congo, Rwanda, Senegal, South Africa, Sri Lanka, the Sudan, the Syrian Arab Republic, Venezuela, Viet Nam and Yemen. Australia, Canada, Costa Rica, France, Germany, Ghana, Indonesia, Ireland, the Islamic Republic of Iran, the Libyan Arab Jamahiriya, Nepal, Niger, Norway, the Russian Federation, Tunisia and Zambia subsequently joined the sponsors.

272. Paragraphs 6, 7 and 8 of the draft resolution were orally revised by the representative of Cuba.

273. The draft resolution, as orally revised, was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/24.

The right to drinking water supply and sanitation services

274. At the same meeting, draft resolution E/CN.4/1999/L.23, submitted by the United Kingdom of Great Britain and Northern Ireland, was withdrawn by the sponsor.

Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

275. At the 54th meeting, the Observer for Portugal introduced draft resolution E/CN.4/1999/L.26, sponsored by Angola, Argentina, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Chile, Cyprus, Denmark, the Dominican Republic, El Salvador, Finland, France, Germany, Greece, Guatemala, Ireland, Italy, Lithuania, Luxembourg, Malta, Mexico, Nepal, the Netherlands, Norway, Paraguay, Peru, the Philippines, Poland, Portugal, Republic of the Congo, Romania, Senegal, Slovakia, South Africa, Spain, Sweden, Switzerland, Tunisia and the United Kingdom of Great Britain and Northern Ireland. Ecuador, Ghana, Madagascar, Mongolia, Nicaragua, the Russian Federation, Rwanda and Uruguay subsequently joined the sponsors.

276. Paragraphs 4 (d) and 5 (c) of the draft resolution were orally revised by the Observer for Portugal.

277 Statements in connection with the draft resolution were made by the representatives of China, India and the United States of America.

278. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

279. The draft resolution, as orally revised, was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/25.

Effects of structural adjustment policies on the full enjoyment of human rights

280. Also at the 54th meeting, the representative of the Philippines introduced draft decision E/CN.4/1999/L.33, sponsored by Bangladesh, Cameroon, Cuba, the Dominican Republic, Egypt, Ethiopia, Ghana, India, the Islamic Republic of Iran, Pakistan, the Philippines, the Sudan and Zimbabwe. Haiti, Indonesia, Mongolia and Myanmar subsequently joined the sponsors.

281. Paragraph (b) of the draft decision was orally revised by the representative of the Philippines.

282. Statements in connection with the draft decision were made by the representatives of Germany, the Philippines and the United Kingdom of Great Britain and Northern Ireland.

283. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft decision.

284. Statements in explanation of vote before the vote were made by the representatives of Guatemala, Japan and the United States of America.

285. The representative of the United Kingdom of Great Britain and Northern Ireland requested a vote. At the request of the representative of the Philippines, a roll-call vote was taken on the draft decision, as orally revised, which was adopted by 33 votes to 15, with 4 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Bhutan, Botswana, Chile, China, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, India, Indonesia, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Pakistan, Philippines, Qatar, Republic of Korea, Republic of the Congo, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uruguay, Venezuela.

Against: Austria, Canada, Czech Republic, France, Germany, Ireland, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Cape Verde, Colombia, Peru, Russian Federation.

286. For the text of the decision as adopted, see chapter II, section B, decision 1999/104.

Human rights and extreme poverty

287. At the 55th meeting, on 26 April 1999, the representative of France introduced draft resolution E/CN.4/1999/L.35, sponsored by Afghanistan, Algeria, Angola, Argentina, Bangladesh, Belarus, Belgium, Bhutan, Brazil, Bulgaria, Cameroon, Cape Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Honduras, India, Iraq, Italy, Luxembourg, Madagascar, Mexico, Morocco, Nepal, Peru, the Philippines, Poland, Portugal, Republic of the Congo, Romania, the Russian Federation, Rwanda, San Marino, Senegal, Slovakia, South Africa, Spain, Sweden, Ukraine, Uruguay, Venezuela and Yemen. Albania, Australia, Bosnia and Herzegovina, China, Finland, Ghana, Germany, Haiti, Ireland, Kenya, Malaysia, Malta, Nicaragua, Niger, Paraguay, Republic of Korea, Sri Lanka, the Sudan, Switzerland, Tunisia and Zambia subsequently joined the sponsors.

288. The representative of France orally revised the draft resolution by adding a new paragraph after the ninth preambular paragraph.

289. A statement in connection with the draft resolution was made by the representative of the United States of America.

290. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

291. The draft resolution, as orally revised, was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/26.

XI. CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

(a) TORTURE AND DETENTION;

(b) DISAPPEARANCES AND SUMMARY EXECUTIONS;

(c) FREEDOM OF EXPRESSION;

(d) INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY;

(e) RELIGIOUS INTOLERANCE;

(f) STATES OF EMERGENCY;

(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

292. The Commission considered agenda item 11 at its 24th to 29th meetings, from 9 to 13 April, at its 55th meeting, on 26 April 1999, and at its 56th meeting, on 27 April 1999. 1/

293. For the documents issued under agenda item 11, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

294. At the 24th meeting, on 9 April 1999:

(a) Mr. Louis Joinet, a member of the Working Group on Arbitrary Detention, introduced the report of the Working Group (E/CN.4/1999/63 and Add.1-4). At the 29th meeting, on 13 April 1999, Mr. Joinet made his concluding remarks;

(b) Sir Nigel S. Rodley, the Special Rapporteur on the question of torture, introduced his report (E/CN.4/1999/61 and Add.1). At the 29th meeting, the Special Rapporteur made his concluding remarks;

(c) Mr. Ivan Tosevski, in his capacity as a member of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, presented the updated information of the Board (E/CN.4/1999/55).

295. At the 25th meeting, on 9 April 1999:

(a) Mr. Carlos Vargas Pizarro, the Chairman-Rapporteur of the Working Group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, introduced the report of the Working Group (E/CN.4/1999/59);

(b) Mr. Ivan Tosevski, the Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, introduced the report of the Working Group (E/CN.4/1999/62 and Add.1 and Add.1/Corr.1 and Add.2);

(c) Ms. Asma Jahangir, the Special Rapporteur on extrajudicial, summary or arbitrary executions, introduced her report (E/CN.4/1999/39 and Add.1).

296. At the 27th meeting, on 12 April 1999, Mr. Abid Hussain, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, introduced his report (E/CN.4/1999/64 and Add.1 and Add.2).

297. At the 28th meeting, on 12 April 1999:

(a) Mr. Param Cumaraswamy, the Special Rapporteur on the independence of judges and lawyers, introduced his report (E/CN.4/1999/60);

(b) Mr. Cherif Bassiouni, the independent expert on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms, introduced his report (E/CN.4/1999/65);

(c) Mr. Abdelfattah Amor, the Special Rapporteur on the question of religious intolerance, introduced his report (E/CN.4/1999/58 and Add.1 and Add.2). At the 29th meeting, on 13 April 1999, the Special Rapporteur made his concluding remarks.

298. In the general debate on agenda item 11, statements were made by members of the Commission, observers and non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Human rights and terrorism

299. At the 55th meeting, on 26 April 1999, the Observer for Turkey introduced draft resolution E/CN.4/1999/L.38, sponsored by Algeria, Azerbaijan, Cuba, Egypt, India, Pakistan, Peru, Saudi Arabia, Sri Lanka and Turkey. Bangladesh, Belarus, El Salvador, Georgia and the Russian Federation subsequently joined the sponsors.

300. The eighth preambular paragraph and paragraphs 7 and 9 of the draft resolution were orally revised by the Observer for Turkey.

301. Statements in connection with the draft resolution were made by the representatives of Argentina, Chile, Guatemala, Mexico and Norway.

302. Statements in explanation of vote before the vote were made by the representatives of Canada and Germany (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement).

303. The representative of the United States of America requested a vote. At the request of the representative of Pakistan, a roll-call vote was taken. The draft resolution, as orally revised, was adopted by 27 votes to none, with 26 abstentions. The voting was as follows:

In favour: Bangladesh, Bhutan, Botswana, Cape Verde, China, Cuba, El Salvador, India, Indonesia, Madagascar, Mauritius, Morocco, Mozambique, Nepal, Niger, Pakistan, Peru, Philippines, Qatar, Republic of Korea, Republic of the Congo, Russian Federation, Senegal, Sri Lanka, Sudan, Tunisia, Uruguay.

Against: None.

Abstaining: Argentina, Austria, Canada, Chile, Colombia, Czech Republic, Democratic Republic of the Congo, Ecuador, France, Germany, Guatemala, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Mexico, Norway, Poland, Romania, Rwanda, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

304. A statement in explanation of vote after the vote was made by the representative of Japan.

305. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/27.

Human rights and arbitrary deprivation of nationality

306. Also at the 55th meeting, the representative of the Russian Federation introduced draft resolution E/CN.4/1999/L.41, sponsored by Belarus, Colombia, Mexico and the Russian Federation. Costa Rica, Eritrea, Nicaragua and Rwanda subsequently joined the sponsors.

307. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/28.

Hostage-taking

308. At the same meeting, the representative of the Russian Federation introduced draft resolution E/CN.4/1999/L.42, sponsored by Argentina, Australia, Belarus, Brazil, China, Costa Rica, Cyprus, Ecuador, Greece, Ireland, Italy, Japan, Peru, the Philippines, the Russian Federation and Sri Lanka. Colombia, El Salvador, Georgia, India, Nicaragua, Pakistan, Poland, Portugal, the Republic of Korea, Rwanda, Spain, Turkey, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela subsequently joined the sponsors.

309. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/29.

Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

310. At the 55th meeting, the Observer for Costa Rica introduced draft resolution E/CN.4/1999/L.43, sponsored by Argentina, Australia, Austria, Belarus, Brazil, Bulgaria, Cameroon, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Ireland, Italy, Liechtenstein, Luxembourg, Mexico, Nepal, the Netherlands, Norway, Peru, Poland, Portugal, Romania, the Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Albania, Belgium, the Republic of Moldova, Nicaragua, Ukraine and the United States of America subsequently joined the sponsors.

311. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/30.

Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

312. Also at the 55th meeting, the Observer for Hungary introduced draft resolution E/CN.4/1999/L.44, sponsored by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Finland, France, Germany, Greece, Haiti, Honduras, Hungary, India, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Madagascar, Nepal, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Albania, Costa Rica, Israel, Nicaragua, the Russian Federation, Senegal, The former Yugoslav Republic of Macedonia and Uruguay subsequently joined the sponsors.

313. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/31.

Torture and other cruel, inhuman or degrading treatment or punishment

314. At the 55th meeting, the Observer for Denmark introduced draft resolution E/CN.4/1999/L.46, sponsored by Argentina, Australia, Austria, Belarus, Belgium, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, El Salvador, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America and Venezuela. Angola, Bosnia and Herzegovina, Cameroon, Eritrea, Georgia, Malta, the Republic of Moldova, Paraguay and Senegal subsequently joined the sponsors.

315. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/32.

The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

316. At the 55th meeting, the representative of Chile introduced draft resolution E/CN.4/1999/L.47, sponsored by Argentina, Bulgaria, Canada, Cape Verde, Chile, Costa Rica, Cuba, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, France, Germany, Italy, Madagascar, the Netherlands, the Philippines, Poland, Portugal, South Africa, Sweden, Uruguay and Venezuela. Eritrea, Nicaragua, the Republic of Korea, Switzerland and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

317. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/33.

Impunity

318. At the same meeting, the representative of Canada introduced draft resolution E/CN.4/1999/L.48, sponsored by Albania, Austria, Botswana, Canada, Chile, the Czech Republic, Denmark, Ecuador, Finland, France, Georgia, Germany, Guatemala, Hungary, Ireland, Italy, Liechtenstein, Latvia, Luxembourg, New Zealand, Norway, Portugal, Romania, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Uganda, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Angola, Armenia, Australia, Belgium, Bosnia and Herzegovina, Costa Rica, Cyprus, Greece, Lithuania, the Netherlands, the Republic of Korea, Rwanda and Slovenia subsequently joined the sponsors.

319. Paragraph 11 was orally revised by the representative of Canada.

320. A statement in connection with the draft resolution was made by the representative of Cuba.

321. The draft resolution, as orally revised, was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/34.

Extrajudicial, summary or arbitrary executions

322. At the 55th meeting, the Observer for Sweden introduced draft resolution E/CN.4/1999/L.49, sponsored by Argentina, Australia, Austria, Belarus, Belgium, Botswana, Bulgaria, Canada, Cape Verde, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guinea, Haiti, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, San Marino, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Angola, Malta, Nicaragua and the Republic of Moldova subsequently joined the sponsors.

323. A statement in connection with the draft resolution was made by the representative of the United States of America.

324. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/35.

Right to freedom of opinion and expression

325. Also at the 55th meeting, the representative of Canada introduced draft resolution E/CN.4/1999/L.52, sponsored by Afghanistan, Albania, Argentina, Australia, Austria, Bangladesh, Belarus, Belgium, Botswana, Brazil, Bulgaria, Canada, Cape Verde, Chile, Côte d'Ivoire, Cyprus, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, India, Ireland, Japan, Latvia, Liechtenstein, Luxembourg, Morocco, Nepal, the Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Romania, the Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Ukraine,

the United Kingdom of Great Britain and Northern Ireland and the United States of America. Cameroon, Costa Rica, Ecuador, Israel, Italy, Lithuania, Madagascar, Nicaragua, the Republic of Moldova, Uruguay and Venezuela subsequently joined the sponsors.

326. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

327. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/36.

Question of arbitrary detention

328. At the 55th meeting, the representative of France introduced draft resolution E/CN.4/1999/L.53, sponsored by Albania, Argentina, Austria, Belgium, Bulgaria, Canada, Chile, Colombia, Costa Rica, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Finland, France, Germany, Greece, Guinea, Hungary, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Madagascar, the Netherlands, Norway, Poland, Portugal, Romania, Senegal, Slovakia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Angola, Belarus, Botswana, El Salvador, Eritrea and the Russian Federation subsequently joined the sponsors.

329. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/37.

Question of enforced or involuntary disappearances

330. At the same meeting, the representative of France introduced draft resolution E/CN.4/1999/L.54, sponsored by Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, the Czech Republic, Denmark, Ecuador, Finland, France, Germany, Greece, Guinea, Hungary, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Madagascar, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Senegal, Slovakia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia and the United Kingdom of Great Britain and Northern Ireland. Angola, Belarus, Cameroon, the Republic of Korea, the Russian Federation and San Marino subsequently joined the sponsors.

331. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/38.

Implementation of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief

332. At the 55th meeting, the representative of Ireland introduced draft resolution E/CN.4/1999/L.57, sponsored by Albania, Argentina, Australia, Austria, Belarus, Belgium, Botswana, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, the Netherlands,

New Zealand, Norway, Peru, Poland, Portugal, Romania, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela. Bosnia and Herzegovina, Ecuador, El Salvador, India, Madagascar, Malta, Mauritius, the Philippines, the Republic of Korea and the Russian Federation subsequently joined the sponsors.

333. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/39.

Promotion of the right to democracy

334. At the 57th meeting, on 27 April 1999, the representative of the United States of America introduced draft resolution E/CN.4/1999/L.55/Rev.2, sponsored by Austria, Canada, Cape Verde, Ecuador, El Salvador, Guatemala, Hungary, Peru, Poland, Romania, Senegal, Slovakia, Slovenia, South Africa, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Albania, Australia, Bangladesh, Bulgaria, Cameroon, Colombia, Costa Rica, the Dominican Republic, the Czech Republic, Denmark, France, Germany, Greece, Honduras, India, Israel, Italy, Latvia, Liberia, Nepal, the Netherlands, New Zealand, Nicaragua, Norway, Paraguay, the Philippines, Portugal, the Republic of Korea, Rwanda, Sri Lanka, Switzerland, The former Yugoslav Republic of Macedonia, Tunisia, Uganda and Venezuela subsequently joined the sponsors.

335. The second preambular paragraph and paragraph 1 of the draft resolution were orally revised by the representative of the United States of America.

336. Statements in connection with the draft resolution were made by the representatives of Chile, Ecuador, Guatemala, India, Mexico, Pakistan and the United States of America.

337. The representative of Cuba introduced proposed amendments (E/CN.4/1999/L.64) to draft resolution E/CN.4/1999/L.55/Rev.2, sponsored by Cuba. She orally revised the proposed amendments further.

338. A statement in connection with the proposed amendments and the oral revisions thereto was made by the representative of the United States of America.

339. Statements in explanation of vote before the vote were made by the representatives of Norway, Romania, the Russian Federation and Venezuela.

340. The representative of the United States of America requested a vote. At the request of the representative of Cuba, a roll-call vote was taken on the proposed amendment to delete the words "the right to" from the title of draft resolution E/CN.4/1999/L.55/Rev.2, as proposed in E/CN.4/1999/L.64. The proposed amendment was rejected by 28 votes to 12, with 13 abstentions. The voting was as follows:

In favour: Bhutan, Chile, China, Cuba, India, Indonesia, Madagascar, Mexico, Pakistan, Republic of the Congo, Russian Federation, Sudan.

Against: Argentina, Austria, Canada, Cape Verde, Colombia, Czech Republic, Ecuador, El Salvador, Germany, Guatemala, Italy, Latvia, Liberia, Luxembourg, Nepal, Norway, Peru, Philippines, Poland, Republic of Korea, Romania, Rwanda, Senegal, South Africa, Sri Lanka, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Bangladesh, Botswana, Democratic Republic of the Congo, France, Ireland, Japan, Mauritius, Morocco, Mozambique, Niger, Qatar, Tunisia, Uruguay.

341. A statement in explanation of vote before the vote was made by the representative of the United Kingdom of Great Britain and Northern Ireland.

342. The representative of Cuba requested a roll-call vote on the amendment, proposed orally, to draft resolution E/CN.4/1999/L.55/Rev.2, which consisted of deleting paragraph 3 and adding to paragraph 2 a new subparagraph (i): "The full promotion of all human rights, civil, cultural, economic, political and social, as well as the right to development;".

343. The proposed oral amendment was rejected by 27 votes to 9, with 17 abstentions. The voting was as follows:

In favour: Bhutan, China, Cuba, India, Madagascar, Mexico, Pakistan, Republic of the Congo, Sudan.

Against: Argentina, Austria, Canada, Cape Verde, Chile, Colombia, Czech Republic, Ecuador, El Salvador, Germany, Guatemala, Italy, Japan, Latvia, Liberia, Luxembourg, Norway, Peru, Philippines, Poland, Republic of Korea, Romania, Rwanda, Senegal, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bangladesh, Botswana, Democratic Republic of the Congo, France, Indonesia, Ireland, Mauritius, Morocco, Mozambique, Nepal, Niger, Qatar, Russian Federation, Sri Lanka, Sudan, Tunisia, Uruguay, Venezuela.

344. Statements in explanation of vote before the vote were made by the representatives of Argentina, China, Cuba, India and Indonesia.

345. The representative of Cuba requested a vote on draft resolution E/CN.4/1999/L.55/Rev.1. At the request of the representative of the United States of America, a roll-call vote was taken. The draft resolution, as orally revised, was adopted by 51 votes to none, with 2 abstentions. The voting was as follows:

In favour: Argentina, Austria, Bangladesh, Bhutan, Botswana, Canada, Cape Verde, Chile, Colombia, Czech Republic, Democratic Republic of the Congo, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Norway, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Republic of the Congo, Romania, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: None.

Abstaining: China, Cuba.

346. A statement in explanation of vote after the vote was made by the representative of Japan.

347. For the text of the resolution as adopted, see chapter II, section A resolution 1999/57.

XII. INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

(a) VIOLENCE AGAINST WOMEN

348. The Commission considered agenda item 12 at its 29th to 31st meetings, on 13 April, at its 33rd and 34th meetings, on 14 and 15 April, and at its 55th meeting, on 26 April 1999. 1/

349. For the documents issued under agenda item 12, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

350. At the 29th meeting, on 13 April 1999:

(a) The Chairperson of the Commission on the Status of Women, Ms. Patricia Flor, made a statement;

(b) The Assistant Secretary-General and Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, Ms. Angela E. King, made a statement.

351. At the 30th meeting, on 13 April 1999:

(a) The Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, introduced her report (E/CN.4/1999/68 and Add.1-4). At the 34th meeting, on 15 April 1999, the Special Rapporteur made her concluding remarks;

(b) The Vice-Chairperson of the Committee on the Elimination of Discrimination against Women, Ms. Hanna B. Schöpp-Schilling, made a statement.

352. In the general debate on agenda item 12, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III.

Traffic in women and girls

353. At the 55th meeting, on 26 April 1999, the representative of the Philippines introduced draft resolution E/CN.4/1999/L.45, sponsored by Afghanistan, Albania, Angola, Argentina, Bangladesh, Belgium, Bhutan, Botswana, Cameroon, Chile, Colombia, Costa Rica, Cyprus, the Czech Republic, the Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Germany, Ghana, Greece, Guatemala, Haiti, Indonesia, Italy, Madagascar, Mexico, Morocco, Mozambique, Norway, Peru, the Philippines, Portugal, South Africa, Spain, Sri Lanka, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Togo, Ukraine and Uruguay. Ecuador, Finland, France, India, Ireland, Israel, Luxembourg, Malaysia, Nepal, Nicaragua, Paraguay, Poland, the Republic of Korea, Senegal and Turkey subsequently joined the sponsors.

354. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/40.

Integrating the human rights of women throughout the United Nations system

355. At the same meeting, the representative of Chile introduced draft resolution E/CN.4/1999/L.51, sponsored by Afghanistan, Albania, Angola, Argentina, Australia, Austria, Bangladesh, Belarus, Bolivia, Botswana, Brazil, Bulgaria, Cameroon, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, Germany, Greece, Guatemala, Honduras, Ireland, Italy, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mexico, Mozambique, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Paraguay, Peru, the Philippines, Poland, Portugal, Romania, Senegal, South Africa, Spain, Slovenia, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Tunisia, the United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela and Zambia. Azerbaijan, Belgium, France, Iceland, Israel, Malta, Mauritius, Mongolia, the Republic of Korea, Republic of Moldova, Turkey and Zimbabwe subsequently joined the sponsors.

356. Paragraphs 10 and 14 were orally revised by the representative of Chile.

357. The draft resolution, as orally revised, was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/41.

Elimination of violence against women

358. Also at the 55th meeting, the representative of Canada introduced draft resolution E/CN.4/1999/L.56, sponsored by Afghanistan, Albania, Angola, Argentina, Australia, Austria, Belarus, Belgium, Botswana, Brazil, Bulgaria, Canada, Cameroon, Cape Verde, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Finland, Germany, Greece, Haiti, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, Mozambique, the Netherlands, New Zealand, Norway, Peru, the Philippines, Poland, Portugal, Romania, South Africa, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Tunisia, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Bosnia and Herzegovina, France, Georgia, Israel, Kenya, Madagascar, Malta, Mauritius, Nicaragua, Paraguay, Rwanda, the Republic of Korea, Republic of Moldova, Senegal, Slovakia, the United States of America, Zambia and Zimbabwe subsequently joined the sponsors.

359. Paragraph 11 was orally revised by the representative of Canada.

360. The draft resolution, as orally revised, was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/42.

Systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict

361. At the 55th meeting, the representative of the United Kingdom of Great Britain and Northern Ireland introduced draft decision E/CN.4/1999/L.58, sponsored by the United Kingdom of Great Britain and Northern Ireland. Albania, Canada, France, Israel, Mauritius, the Netherlands, Norway and the Republic of Korea subsequently joined the sponsors.

362. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

363. The draft decision was adopted without a vote. For the text as adopted, see chapter II, section B, decision 1999/105.

364. In view of the adoption of decision 1999/105, the Commission took no action on draft decision 4 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1999/4-E/CN.4/Sub.2/1998/45, chap. I).

XIII. RIGHTS OF THE CHILD

365. The Commission considered agenda item 13 at its 32nd meeting, on 14 April, at its 34th to 37th meetings, on 15 April, at its 55th meeting, on 26 April, and at its 59th and 60th meetings, on 28 April 1999. 1/

366. For the documents issued under agenda item 13, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

367. At its 32nd meeting, on 14 April 1999, the Commission held a special debate on child rights under the theme: "Children: risks of marginalization and exclusion". The Chairperson, Ms. Anne Anderson, opened the discussion. The debate was introduced by a panel of five key speakers: Ms. Mary Robinson, United Nations High Commissioner for Human Rights; Mr. Juan Somavia, Director General of the International Labour Office, subsequently replaced by Mr. Assefa Bequele, Director, Working Conditions and Environment Department of the International Labour Organization; Mr. Stephen Lewis, Deputy Director of the United Nations Children's Fund, subsequently replaced by Ms. Marta Santos Pais, Director, Division of Evaluation, Policy and Planning of the United Nations Children's Fund; Mr. Jim Tulloch, Director of the Department of Child and Adolescent Health and Development of the World Health Organization; and Ms. Susan Askelof, Secretary-General of Rädda Barnen.

368. During the special debate on the rights of the child, a statement was made by Mr. Thomas Hammarberg, Special Representative of the Secretary-General on the situation of human rights in Cambodia.

369. Statements were also made by members of the Commission, observers and non-governmental organizations. For a detailed list of speakers, see annex III.

370. In an interactive dialogue, the panel of speakers made remarks and responded to statements made.

371. At the 34th meeting, on 15 April 1999:

(a) Ms. Catherine von Heidenstam, the Chairperson-Rapporteur of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, and Mr. Jorge Iván Mora Godoy, the Chairman-Rapporteur of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, introduced the reports of the working groups on their fifth sessions (E/CN.4/1999/73 and E/CN.4/1999/74, respectively);

(b) Ms. Ofelia Calcetas-Santos, the Special Rapporteur on the sale of children, child prostitution and child pornography, introduced her report (E/CN.4/1999/71 and Add.1);

(c) Mr. Olara A. Otunnu, the Special Representative of the Secretary-General on the impact of armed conflict on children, made a statement.

372. In the general debate on agenda item 13, statements were made by members of the Commission, observers and non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Abduction of children from northern Uganda

373. At the 55th meeting, on 26 April 1999, the Observer for Uganda introduced draft resolution E/CN.4/1999/L.50, sponsored by Ethiopia, Rwanda, Uganda and the United Republic of Tanzania. Burundi, Kenya and Zimbabwe subsequently joined the sponsors.

374. A statement in connection with the draft resolution was made by the representative of the Sudan.

375. The amendments (E/CN.4/1999/L.86) to draft resolution E/CN.4/1999/L.50, submitted by the Sudan, were withdrawn by the representative of the Sudan.

376. Statements in explanation of vote before the vote were made by the representatives of Cuba, India, Japan, Mexico, Pakistan and Peru.

377. At the request of the representative of the Sudan, a roll-call vote was taken on draft resolution E/CN.4/1999/L.50, which was adopted by 28 votes to 1, with 24 abstentions. The voting was as follows:

In favour:	Argentina, Austria, Bangladesh, Botswana, Canada, Chile, Colombia, Cuba, El Salvador, France, Germany, Indonesia, Ireland, Italy, Liberia, Luxembourg, Mauritius, Nepal, Norway, Pakistan, Peru, Poland, Romania, Russian Federation, Rwanda, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.
Against:	Sudan.
Abstaining:	Bhutan, Cape Verde, China, Czech Republic, Democratic Republic of the Congo, Ecuador, Guatemala, India, Japan, Latvia, Madagascar, Mexico, Morocco, Mozambique, Niger, Philippines, Qatar, Republic of Korea, Republic of the Congo, Senegal, Sri Lanka, Tunisia, Uruguay, Venezuela.

378. For the text as adopted, see chapter II, section A, resolution 1999/43.

Rights of the child

379. At the 59th meeting, on 28 April 1999, the representative of Germany introduced draft resolution E/CN.4/1999/L.39, sponsored by Argentina, Australia, Austria, Belarus, Belgium, Bolivia, Botswana, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mexico, Mozambique, the Netherlands, New Zealand, Nicaragua, Paraguay, Peru, the Philippines, Poland, Portugal, Republic of the Congo, Romania, Slovakia,

Slovenia, South Africa, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Albania, Algeria, Bangladesh, Cape Verde, China, Côte d'Ivoire, Eritrea, Gabon, Georgia, Ghana, Haiti, Honduras, Hungary, India, Israel, Japan, Monaco, Mongolia, Norway, Pakistan, Rwanda, San Marino, Saudi Arabia, Senegal, the Syrian Arab Republic, Togo, Uganda, Viet Nam, Zambia and Zimbabwe subsequently joined the sponsors.

380. At its 60th meeting, on the same day, the Commission considered draft resolution E/CN.4/1999/L.39 and revisions to the draft resolution (E/CN.4/1999/L.103) sponsored by Germany.

381. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

382. Draft resolution E/CN.4/1999/L.39, as revised, was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/80.

383. After the adoption of the resolution, the representatives of Cuba and the United States of America each made a statement in explanation of their delegation's position.

384. In view of the adoption of resolution 1999/80, the Commission took no action on draft decision 3 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1999/4-E/CN.4/Sub.2/1998/45, chap. I).

XIV. SPECIFIC GROUPS AND INDIVIDUALS:

(a) MIGRANT WORKERS;

(b) MINORITIES;

(c) MASS EXODUSES AND DISPLACED PERSONS;

(d) OTHER VULNERABLE GROUPS AND INDIVIDUALS

385. The Commission considered agenda item 14 at its 38th to 40th meetings, on 16 April, at its 41st meeting, on 19 April, and at its 56th meeting, on 27 April 1999. 1/

386. For the documents issued under agenda item 14, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

387. At the 38th meeting, on 16 April 1999, the Chairman-Rapporteur of the Working Group of intergovernmental experts on the human rights of migrants, Mr. Jorge A. Bustamante, introduced the report of the Working Group on its third and fourth sessions (E/CN.4/1999/80).

388. At the 39th meeting, on the same day, the Representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, introduced his report (E/CN.4/1999/79 and Add.1-2).

389. In the general debate on agenda item 14, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

390. At its 56th meeting, on 27 April 1999, the Commission took up consideration of the draft resolutions submitted under agenda item 14.

Human rights of migrants

391. The representative of Mexico introduced draft resolution E/CN.4/1999/L.63/Rev.1, sponsored by Algeria, Angola, Argentina, Bangladesh, Bolivia, Brazil, Cape Verde, Chile, Colombia, Costa Rica, Cuba, the Democratic Republic of the Congo, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Guinea, Haiti, Honduras, India, Indonesia, Liberia, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nicaragua, Pakistan, Paraguay, Peru, the Philippines, Portugal, Republic of the Congo, the Russian Federation, Rwanda, Senegal, Sri Lanka, Tunisia, Turkey, Uganda, Uruguay and Zimbabwe. Belarus subsequently joined the sponsors.

392. Paragraphs 3 (a), (b), (c), (e) and 5 of the draft resolution were orally revised by the representative of Mexico.

393. Statements in connection with the draft resolution were made by the representatives of Germany (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Norway, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement) and the United States of America.

394. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

395. The draft resolution, as orally revised, was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/44.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

396. The representative of Mexico introduced draft resolution E/CN.4/1999/L.66, sponsored by Bangladesh, Cape Verde, Chile, Cuba, Ecuador, El Salvador, Guatemala, Mexico, Morocco, Peru, the Philippines, Portugal, Sri Lanka, Tunisia and Turkey. Argentina, Azerbaijan, Colombia, Egypt and Senegal subsequently joined the sponsors.

397. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/45.

Contemporary forms of slavery

398. The representative of Cuba introduced draft resolution E/CN.4/1999/L.69, sponsored by Algeria, Cameroon, Cuba, the Democratic Republic of the Congo, Egypt, Ghana, Haiti, the Islamic Republic of Iran, Iraq, Madagascar, Morocco, Nigeria, Republic of the Congo and Senegal. Pakistan subsequently joined the sponsors.

399. Paragraph 4 (c) of the draft resolution was orally revised by the representative of Cuba.

400. Statements in connection with the draft resolution were made by the representatives of Germany and the United States of America.

401. The representative of the United States of America requested a vote on the fifth preambular paragraph and paragraphs 3 and 5 (b). At the request of the representative of Cuba, a roll-call vote was taken on the above paragraphs, together. The Commission decided, by 32 votes to 14, with 7 abstentions, to retain these paragraphs. The voting was as follows:

In favour: Bangladesh, Bhutan, Botswana, Cape Verde, Chile, China, Colombia, Cuba, Ecuador, El Salvador, India, Indonesia, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Pakistan, Peru, Philippines, Qatar, Republic of the Congo, Russian Federation, Rwanda, Senegal, Sri Lanka, Sudan, Tunisia, Uruguay, Venezuela.

Against: Austria, Canada, the Czech Republic, France, Germany, Ireland, Italy, Latvia, Luxembourg, Norway, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Democratic Republic of the Congo, Guatemala, Japan, Liberia, Republic of Korea, South Africa.

402. A statement in explanation of vote before the vote was made by the representative of Canada.

403. The representative of Germany requested a vote on the draft resolution. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, as orally revised, which was adopted by 36 votes to none, with 17 abstentions. The voting was as follows:

In favour:	Bangladesh, Bhutan, Botswana, Cape Verde, Chile, China, Colombia, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, India, Indonesia, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Pakistan, Peru, Philippines, Qatar, Republic of Korea, Republic of the Congo, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uruguay, Venezuela.
Against:	None.
Abstaining:	Argentina, Austria, Canada, the Czech Republic, France, Germany, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Norway, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

404. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/46.

Internally displaced persons

405. The representative of Austria introduced draft resolution E/CN.4/1999/L.70, sponsored by Argentina, Austria, Azerbaijan, Belarus, Belgium, Botswana, Bulgaria, Canada, Cyprus, Denmark, Ecuador, Finland, Georgia, Greece, Guatemala, Hungary, Iceland, Liechtenstein, the Netherlands, Poland, Portugal, Romania, Slovenia, South Africa, Spain, Sweden, Switzerland and the United States of America. Afghanistan, Albania, Australia, Bosnia and Herzegovina, Germany, Ireland, Italy, Luxembourg, Mauritius, Nicaragua, Norway, Peru, Republic of Korea, Republic of the Congo, Slovakia and Uruguay subsequently joined the sponsors.

406. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/47.

Rights of persons belonging to national or ethnic, religious and linguistic minorities

407. The representative of Austria introduced draft resolution E/CN.4/1999/L.71, sponsored by Argentina, Australia, Austria, Belarus, Brazil, Bulgaria, Chile, Costa Rica, Croatia, Denmark, Ethiopia, Finland, Guatemala, Hungary, Iceland, Liechtenstein, Lithuania, the Netherlands, Poland, Portugal, Romania, Sri Lanka, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Afghanistan, Albania, Canada, Cape Verde, Cyprus, Eritrea, Estonia, Ireland, Italy, Malta,

Mauritius, Nicaragua, Norway, Peru, the Republic of Korea, the Russian Federation, Slovakia, Slovenia, Ukraine and Uruguay subsequently joined the sponsors.

408. The fourth preambular paragraph and paragraph 11 of the draft resolution were orally revised by the representative of Austria.

409. The draft resolution, as orally revised, was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/48.

410. In view of the adoption of resolution 1999/48, the Commission took no action on draft decision 8 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1999/4-E/CN.4/Sub.2/1998/45, chap. I).

The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS)

411. The representative of Poland introduced draft resolution E/CN.4/1999/L.72, sponsored by Argentina, Australia, Austria, Belarus, Belgium, Botswana, Bulgaria, Cameroon, Canada, Chile, Croatia, Cyprus, El Salvador, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Kenya, Latvia, Lithuania, Madagascar, Nepal, the Netherlands, Peru, Philippines, Poland, Portugal, Romania, Slovakia, South Africa, Spain, Switzerland, The former Yugoslav Republic of Macedonia, Togo, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Zambia and Zimbabwe. Angola, Brazil, Costa Rica, Denmark, the Dominican Republic, Ecuador, Ghana, Israel, Italy, Japan, Luxembourg, Mozambique, Nicaragua, the Russian Federation, Slovenia and Uruguay subsequently joined the sponsors.

412. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/49.

XV. INDIGENOUS ISSUES

413. The Commission considered agenda item 15 at its 42nd to 43rd meetings, on 19 April, and at its 56th meeting, on 27 April 1999. 1/

414. For the documents issued under agenda item 15, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

415. At the 42nd meeting, on 19 April 1999:

(a) The Chairman-Rapporteur of the open-ended inter-sessional ad hoc Working Group on a permanent forum for indigenous people in the United Nations system, Mr. Richard van Rijssen, introduced the report of the Working Group (E/CN.4/1999/83);

(b) The Chairman-Rapporteur of the Working Group established in accordance with Commission resolution 1995/32, Mr. José Urrutia, introduced the report of the Working Group (E/CN.4/1999/82);

(c) Statements were made by Ms. Victoria Tauli-Corpuz, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations, and Mr. José Carlos Morales Morales, a member of the Advisory Group of the United Nations Voluntary Fund for the International Decade of the World's Indigenous People.

416. In the general debate on agenda item 15, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

417. At its 56th meeting, on 27 April 1999, the Commission took up consideration of the draft resolutions and decision submitted under agenda item 15.

Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

418. The representative of Canada introduced draft resolution E/CN.4/1999/L.68, sponsored by Argentina, Australia, Bolivia, Brazil, Canada, Chile, Costa Rica, Cyprus, Denmark, Ecuador, Estonia, Finland, France, Greece, Guatemala, Mexico, New Zealand, Nicaragua, Norway, Peru, the Russian Federation, Sweden, Spain, Switzerland and the United Kingdom of Great Britain and Northern Ireland.

419. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

420. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/50.

421. After the adoption of the resolution, the representative of Cuba made a statement in explanation of his delegation's position.

Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People

422. The Observer for New Zealand introduced draft resolution E/CN.4/1999/L.73, sponsored by Argentina, Australia, Bolivia, Brazil, Canada, Costa Rica, Cyprus, Denmark, Estonia, Finland, France, Greece, Guatemala, Honduras, Ireland, Latvia, Mexico, New Zealand, Nicaragua, Norway, Peru, the Philippines, the Russian Federation, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Ecuador subsequently joined the sponsors.

423. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

424. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/51.

425. In view of the adoption of resolution 1999/51, the Commission took no action on draft decisions 6 and 7 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1999/4-E/CN.4/Sub.2/1998/45, chap. I).

A permanent forum for indigenous people in the United Nations system

426. The Observer for Denmark introduced draft resolution E/CN.4/1999/L.74, sponsored by Argentina, Belgium, Bolivia, Canada, Chile, Cyprus, Denmark, Estonia, Finland, France, Greece, Guatemala, Honduras, Iceland, Latvia, Lithuania, Mexico, Nepal, the Netherlands, New Zealand, Norway, Peru, Portugal, the Russian Federation, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Costa Rica, Ecuador, Paraguay and Ukraine subsequently joined the sponsors.

427. Statements in connection with the draft resolution were made by the representatives of Cuba, India and Sri Lanka.

428. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

429. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/52.

Study on indigenous land rights

430. The Commission considered draft decision 5 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1999/4-E/CN.4/Sub.2/1998/45, chap. I).

431. The representative of the United States of America orally amended the draft decision.

432. A statement in connection with the draft decision was made by the representative of Cuba.

433. The draft decision, as orally amended, was adopted without a vote. For the text as adopted, see chapter II, section B, decision 1999/106.

XVI. REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES:

(a) REPORT AND DRAFT DECISIONS;

(b) ELECTION OF MEMBERS

434. The Commission considered agenda item 16 at its 44th meeting, on 20 April, at its 56th meeting, on 27 April, and at its 60th meeting, on 28 April 1999. 1/

435. For the documents issued under agenda item 16, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

436. At the 44th meeting, on 20 April 1999, the Chairperson of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fiftieth session, Mr. El Hadji Guissé, introduced his report (E/CN.4/1999/84) and made his concluding remarks.

437. In the general debate on agenda item 16, statements were made by members of the Commission and non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

The concept and practice of affirmative action

438. At the 56th meeting, on 27 April 1999, the representative of the United Kingdom of Great Britain and Northern Ireland introduced draft decision E/CN.4/1999/L.59, sponsored by the United Kingdom of Great Britain and Northern Ireland. Canada, Germany, Mauritius, the Netherlands and Norway subsequently joined the sponsors.

439. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft decision.

440. The draft decision was adopted without a vote. For the text as adopted, see chapter II, section B, decision 1999/107.

441. In view of the adoption of decision 1999/107, the Commission took no action on draft decision 1 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1999/4-E/CN.4/Sub.2/1998/45, chap. I).

Forum on economic, social and cultural rights: the Social Forum

442. Also at the 56th meeting, on 27 April 1999, the representative of the United Kingdom of Great Britain and Northern Ireland introduced draft resolution E/CN.4/1999/L.65, sponsored by the United Kingdom of Great Britain and Northern Ireland. Canada, the Netherlands and Norway subsequently joined the sponsors.

443. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/53.

444. In view of the adoption of resolution 1999/53, the Commission took no action on the draft resolution recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1999/4-E/CN.4/Sub.2/1998/45, chap. I).

Drinking water supply and sanitation services

445. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland introduced draft decision E/CN.4/1999/L.80, sponsored by the United Kingdom of Great Britain and Northern Ireland. Canada, Germany, the Netherlands, Norway and the United States of America subsequently joined the sponsors.

446. The draft decision was adopted without a vote. For the text as adopted, see chapter II, section B, decision 1999/108.

447. In view of the adoption of decision 1999/108, the Commission took no action on draft decision 2 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1999/4-E/CN.4/Sub.2/1998/45, chap. I).

Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

448. At the 60th meeting, on 28 April 1999, the Observer for the Netherlands introduced draft resolution E/CN.4/1999/L.67/Rev.1, sponsored by Argentina, Australia, Austria, Brazil, Bulgaria, Canada, Denmark, the Dominican Republic, El Salvador, Estonia, Finland, Germany, Greece, Hungary, Ireland, Japan, Lithuania, the Netherlands, New Zealand, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. France, the Russian Federation, The former Yugoslav Republic of Macedonia and the United States of America subsequently joined the sponsors.

449. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

450. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/81.

XVII. PROMOTION AND PROTECTION OF HUMAN RIGHTS:

(a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS;

(b) HUMAN RIGHTS DEFENDERS;

(c) INFORMATION AND EDUCATION;

(d) SCIENCE AND ENVIRONMENT

451. The Commission considered agenda item 17 at its 44th to 46th meetings, on 20 and 21 April, and at its 58th and 59th meetings, on 28 April 1999. 1/

452. For the documents issued under agenda item 17, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

453. In the general debate on agenda item 17, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III.

Human rights and the follow-up to the guidelines for the regulation of computerized personal data files

454. At the 58th meeting, on 28 April 1999, the representative of France introduced draft decision E/CN.4/1999/L.79, sponsored by France. The United States of America subsequently joined the sponsor.

455. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1999/109.

Impunity of perpetrators of violations of economic, social and cultural rights

456. Also at the 58th meeting, the representative of Cuba introduced draft resolution E/CN.4/1999/L.81, sponsored by Cuba. Algeria, Burundi, Côte d'Ivoire, Gabon, Ghana, Madagascar, Mauritania, Niger, Nigeria, Rwanda, Senegal, the Sudan, Tunisia, Uganda and Zimbabwe subsequently joined the sponsor.

457. The fourth preambular paragraph and paragraph 3 were orally revised by the representative of Cuba.

458. Statements in connection with the draft resolution were made by the representatives of Germany (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement) and Mexico.

459. Statements in explanation of vote before the vote were made by the representatives of Canada, Japan and the United States of America.

460. The representative of the United Kingdom of Great Britain and Northern Ireland requested a vote. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, as orally revised, which was adopted by 21 votes to 9, with 22 abstentions. The voting was as follows:

In favour:	Bangladesh, Bhutan, Cape Verde, China, Cuba, Ecuador, India, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Pakistan, Qatar, Republic of the Congo, Russian Federation, Rwanda, Senegal, Sudan, Tunisia.
Against:	Czech Republic, France, Germany, Italy, Latvia, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.
Abstaining:	Argentina, Austria, Botswana, Canada, Chile, Colombia, El Salvador, Guatemala, Indonesia, Ireland, Japan, Liberia, Luxembourg, Mozambique, Norway, Peru, Philippines, Republic of Korea, South Africa, Sri Lanka, Uruguay, Venezuela.

461. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/58.

Globalization and its impact on the full enjoyment of all human rights

462. At the 58th meeting, the Observer for Egypt introduced draft resolution E/CN.4/1999/L.84, sponsored by Algeria, China, Egypt, India, Indonesia, the Islamic Republic of Iran and Malaysia. Cuba, Mauritius, Pakistan, the Sudan and Uganda subsequently joined the sponsors.

463. The seventh and eighth preambular paragraphs and paragraphs 1 to 5 of the draft resolution were orally revised by the Observer for Egypt.

464. The proposed amendments (E/CN.4/1999/L.100) to draft resolution E/CN.4/1999/L.84 submitted by the United States of America were withdrawn.

465. Statements in connection with draft resolution E/CN.4/1999/L.84 were made by the representative of Germany (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement) and the representative of Guatemala.

466. Statements in explanation of vote before the vote were made by the representatives of Canada, Cuba, Japan and the United States of America.

467. The representative of Chile requested a vote. At the request of the representative of India, a roll-call vote was taken on the draft resolution, as orally revised, which was adopted by 30 votes to 2, with 20 abstentions. The voting was as follows:

In favour: Bangladesh, Bhutan, Botswana, Cape Verde, China, Cuba, Ecuador, France, India, Indonesia, Italy, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Pakistan, Philippines, Qatar, Republic of the Congo, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Venezuela.

Against: Chile, United States of America.

Abstaining: Argentina, Austria, Canada, Colombia, Czech Republic, El Salvador, Germany, Guatemala, Ireland, Japan, Latvia, Liberia, Luxembourg, Norway, Peru, Poland, Republic of Korea, Romania, United Kingdom of Great Britain and Northern Ireland, Uruguay.

468. For the text as adopted, see chapter II, section A, resolution 1999/59.

Human duties and responsibilities

469. At the 58th meeting, on 28 April 1999, the Observer for Egypt introduced draft resolution E/CN.4/1999/L.85, sponsored by Algeria, China, Cuba, Egypt, India, Indonesia, the Islamic Republic of Iran and Malaysia. Turkey and Uganda subsequently joined the sponsors.

470. At the request of the representative of Germany, consideration of the draft resolution was postponed.

471. At its 59th meeting, on 28 April 1999, the Commission resumed consideration of draft resolution E/CN.4/1999/L.85.

472. A statement in connection with the draft resolution was made by the Observer for Egypt. At the request of the Observer for Egypt, the Commission decided to postpone consideration of draft resolution E/CN.4/1999/L.85 until its next session.

473. For the text of the decision as adopted, see chapter II, section B, decision 1999/111.

Development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights

474. At the 58th meeting, the representative of Italy introduced draft resolution E/CN.4/1999/L.88, sponsored by Argentina, Australia, Austria, Botswana, Canada, Costa Rica, France, Italy, Japan, Luxembourg, Norway, Peru, Poland, Portugal, Senegal, Spain and Tunisia. Colombia, Croatia, Germany, Greece, Ireland, Madagascar, the Russian Federation and Venezuela subsequently joined the sponsors.

475. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/60.

Question of the death penalty

476. At the same meeting, the representative of Germany (on behalf of the European Union) introduced draft resolution E/CN.4/1999/L.91, sponsored by Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, Romania, the Russian Federation, San Marino, Sao Tome and Principe, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkmenistan, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Mauritius and Republic of Moldova subsequently joined the sponsors.

477. Statements in connection with the draft resolution were made by the representatives of El Salvador, India and Italy.

478. The representative of Germany made a statement in explanation of vote before the vote.

479. At the request of the representative of India a roll-call vote was taken on paragraphs 3 (f), 4 (b) and 5, together. The Commission decided, by 27 votes to 13, with 13 abstentions, to retain these paragraphs. The voting was as follows:

In favour: Argentina, Austria, Canada, Cape Verde, Chile, Colombia, the Czech Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Latvia, Luxembourg, Mauritius, Mexico, Nepal, Norway, Peru, Poland, Romania, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against: Bangladesh, Botswana, China, Cuba, India, Japan, Morocco, Pakistan, Qatar, Republic of Korea, Rwanda, Sudan, United States of America.

Abstaining: Bhutan, Congo, Democratic Republic of the Congo, Guatemala, Indonesia, Liberia, Madagascar, Mozambique, Niger, Philippines, Senegal, Sri Lanka, Tunisia.

480. Statements in explanation of vote before the vote were made by the representatives of Bhutan, the Philippines and Tunisia.

481. The representative of the United States of America requested a vote. At the request of the representative of Rwanda, a roll-call vote was taken on the draft resolution, which was adopted by 30 votes to 11, with 12 abstentions. The voting was as follows:

In favour: Argentina, Austria, Canada, Cape Verde, Chile, Colombia, Czech Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Latvia, Luxembourg, Mauritius, Mexico, Mozambique, Nepal, Niger, Norway, Peru, Poland, Republic of the Congo, Romania, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against: Bangladesh, Botswana, China, Indonesia, Japan, Pakistan, Qatar, Republic of Korea, Rwanda, Sudan, United States of America.

Abstaining: Bhutan, Cuba, Democratic Republic of the Congo, Guatemala, India, Liberia, Madagascar, Morocco, Philippines, Senegal, Sri Lanka, Tunisia.

482. Statements in explanation of vote after the vote were made by the representatives of Bangladesh and Indonesia (on behalf of Algeria, Antigua and Barbuda, the Bahamas, Bahrain, Bangladesh, Barbados, Brunei Darussalam, Burundi, China, Egypt, Equatorial Guinea, Eritrea, Ghana, Guyana, Indonesia, Iraq, the Islamic Republic of Iran, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Mongolia, Myanmar, Niger, Nigeria, Oman, the People's Democratic Republic of Korea, the Philippines, Qatar, Rwanda, Saint Lucia, Saudi Arabia, Singapore, the Sudan, Suriname, Swaziland, the Syrian Arab Republic, Togo, Trinidad and Tobago, the United Arab Emirates, the United Republic of Tanzania, Viet Nam, Yemen and Zimbabwe).

483. For the text as adopted, see chapter II, section A, resolution 1999/61.

Towards a culture of peace

484. At the 58th meeting, the representative of El Salvador introduced draft resolution E/CN.4/1999/L.94, sponsored by Algeria, Argentina, Armenia, Bhutan, Bolivia, Botswana, Brazil, Burundi, Cameroon, Cape Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, the Democratic Republic of the Congo, the Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Georgia, Ghana, Guatemala, Haiti, Honduras, India, Libyan Arab Jamahiriya, Madagascar, Mauritius, Morocco, Mozambique, Nepal, Nicaragua, Niger, Panama, Paraguay, Peru, the Philippines, Republic of the Congo, Romania, Rwanda, Saudi Arabia, Senegal, South Africa, the Sudan, Tunisia, Uganda, Uruguay and Venezuela. Albania, Angola, Bosnia and Herzegovina, Israel and Togo subsequently joined the sponsors.

485. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/62.

Human rights and bioethics

486. At the same meeting, on 28 April 1999, the representative of France introduced draft resolution E/CN.4/1999/L.95, sponsored by Cameroon, Cuba,

France, Greece, Hungary, India, Italy, Madagascar, Niger, Poland, Republic of the Congo, Romania, the Russian Federation, San Marino and Spain. Albania, Angola, Bangladesh, Ecuador, Finland, Israel, Monaco, Portugal and Uruguay subsequently joined the sponsors.

487. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/63.

488. After the adoption of the resolution, the representative of Argentina made a statement in explanation of his delegation's vote.

United Nations Decade for Human Rights Education

489. Also at the 58th meeting, the Observer for Costa Rica introduced draft resolution E/CN.4/1999/L.96, sponsored by Angola, Argentina, Cameroon, Canada, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Ethiopia, Georgia, Greece, Guatemala, Haiti, Honduras, Italy, Japan, Mexico, Nicaragua, Paraguay, Peru, the Philippines, Portugal, Rwanda, South Africa, Tunisia, Uruguay and Venezuela. Australia, Austria, Finland, Israel, Norway, Republic of the Congo, the Russian Federation, Slovakia, Togo and Ukraine subsequently joined the sponsors.

490. Paragraphs 9 and 11 of the draft resolution were orally revised by the Observer for Costa Rica.

491. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

492. The draft resolution, as orally revised, was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/64.

Fundamental standards of humanity

493. At the 58th meeting, the representative of Norway introduced draft resolution E/CN.4/1999/L.97, sponsored by Austria, Botswana, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, Germany, Guatemala, Hungary, Iceland, Liechtenstein, Madagascar, Nicaragua, Norway, Poland, Portugal, Romania, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Ukraine and Uruguay. Argentina, Ireland, Italy, Latvia and Mexico subsequently joined the sponsors.

494. Paragraph 1 of the draft resolution was orally revised by the representative of Norway.

495. A statement in connection with the draft resolution was made by the representative of Mexico.

496. The draft resolution, as orally revised, was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/65.

Implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

497. At the same meeting, on 28 April 1999, the representative of Norway introduced draft resolution E/CN.4/1999/L.98, sponsored by Argentina, Australia, Belarus, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, the Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Poland, Portugal, Romania, the Russian Federation, Senegal, Slovakia, South Africa, Spain, Sweden, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela. The Republic of Korea subsequently joined the sponsors.

498. A statement in connection with the draft resolution was made by the representative of Cuba.

499. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/66.

Convention on the Prevention and Punishment of the Crime of Genocide

500. Also at the 58th meeting, the representative of Armenia introduced draft resolution E/CN.4/1999/L.99, sponsored by Armenia, Brazil, Bulgaria, Burundi, Cameroon, Croatia, Ecuador, El Salvador, Georgia, Latvia, Mexico, Peru, Republic of the Congo, the Russian Federation, Rwanda and Senegal. Albania, Argentina, Belarus, Côte d'Ivoire, Cyprus, the Dominican Republic, France, Israel, Mongolia, Nigeria, Uganda, Ukraine, Uruguay and Venezuela subsequently joined the sponsors.

501. A statement in explanation of vote before the vote was made by the representative of Cuba.

502. The representative of Pakistan requested a vote. At the request of the representative of the Russian Federation, a roll-call vote was taken on the draft resolution, which was adopted by 48 votes to none, with 5 abstentions. The voting was as follows:

In favour: Argentina, Austria, Bangladesh, Bhutan, Botswana, Canada, Cape Verde, Chile, China, Colombia, Cuba, Czech Republic, Democratic Republic of the Congo, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Norway, Peru, Philippines, Poland, Republic of Korea, Republic of the Congo, Russian Federation, Rwanda, Senegal, South Africa, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: None.

Abstaining: Pakistan, Qatar, Romania, Sri Lanka, Sudan.

503. For the text of the resolution as adopted, see chapter II, section A, resolution 1999/67.

Enhancement of international cooperation in the field of human rights

504. At the 58th meeting, on 28 April 1999, the representative of South Africa introduced draft resolution E/CN.4/1999/L.61, sponsored by China and South Africa (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries). Costa Rica subsequently joined the sponsors.

505. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/68.

XVIII. EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS:

(a) TREATY BODIES;

(b) NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS;

(c) ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS

506. The Commission considered agenda item 18 at its 46th and 47th meetings, on 21 April, at its 48th meeting, on 22 April, and at its 58th and 59th meetings, on 28 April 1999. 1/

507. For the documents issued under agenda item 18, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

508. In the general debate on agenda item 18, statements were made by members of the Commission, observers, representatives of national institutions and of non-governmental organizations. For a detailed list of speakers, see annex III.

Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region

509. At the 58th meeting, on 28 April 1999, the representative of India introduced draft resolution E/CN.4/1999/L.75, sponsored by Afghanistan, Australia, Bangladesh, Bhutan, China, Cyprus, India, Indonesia, the Islamic Republic of Iran, Japan, Jordan, Malaysia, Nepal, New Zealand, the Philippines, the Republic of Korea, Sri Lanka and Thailand.

510. Paragraphs 3, 5 and 6 were orally revised by the representative of India.

511. The draft resolution, as orally revised, was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/69.

Composition of the staff of the Office of the High Commissioner for Human Rights

512. Also at the 58th meeting, the representative of Cuba introduced draft resolution E/CN.4/1999/L.78, sponsored by Afghanistan, Algeria, Angola, Bangladesh, Botswana, Burundi, Cape Verde, China, Colombia, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, the Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Guatemala, Haiti, Honduras, India, Indonesia, the Islamic Republic of Iran, Iraq, Lebanon, the Libyan Arab Jamahiriya, Madagascar, Mauritania, Mexico, Mozambique, Myanmar, Nigeria, Pakistan, Peru, the Philippines, Republic of the Congo, Saudi Arabia, Senegal, Sri Lanka, the Sudan, the Syrian Arab Republic, Togo, Uganda, Viet Nam, Yemen, Zambia and Zimbabwe. Ghana, Malaysia and Turkey subsequently joined the sponsors.

513. Statements in explanation of vote before the vote were made by the representatives of Canada, Chile, France and the United States of America.

514. The representative of Germany (on behalf of the European Union) requested a vote. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, which was adopted by 34 votes to 16, with 3 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Bhutan, Botswana, Cape Verde, China, Colombia, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, India, Indonesia, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Pakistan, Peru, the Philippines, Qatar, Republic of Korea, Republic of the Congo, Rwanda, Senegal, Sri Lanka, Sudan, Tunisia, Uruguay, Venezuela.

Against: Austria, Canada, Chile, Czech Republic, France, Germany, Ireland, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Liberia, the Russian Federation, South Africa.

515. For the text as adopted, see chapter II, section A, resolution 1999/70.

Regional arrangements for the promotion and protection of human rights

516. At the 59th meeting, on 28 April 1999, the Observer for Belgium introduced draft resolution E/CN.4/1999/L.82, sponsored by Argentina, Australia, Austria, Belgium, Botswana, Brazil, Bulgaria, Canada, Cape Verde, the Dominican Republic, El Salvador, France, Germany, Greece, Honduras, Hungary, Ireland, Italy, Japan, Lithuania, Madagascar, Malta, New Zealand, Norway, the Philippines, Portugal, Romania, Senegal, South Africa, Spain, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Belarus, Cameroon, Croatia, Ecuador, Guatemala, Mauritius, Morocco, the Republic of Korea, Republic of Moldova, and Togo subsequently joined the sponsors.

517. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/71.

Human rights and thematic procedures

518. Also at the 59th meeting, the representative of the Czech Republic introduced draft decision E/CN.4/1999/L.83, sponsored by the Czech Republic.

519. A statement in connection with the draft decision was made by the representative of Cuba.

520. The draft decision was adopted without a vote. For the text as adopted, see chapter II, section B, decision 1999/110.

National institutions for the promotion and protection of human rights

521. At the same meeting, the Observer for Australia introduced draft resolution E/CN.4/1999/L.87, sponsored by Argentina, Australia, Austria, Cameroon, Canada, Cape Verde, Croatia, Cyprus, Denmark, El Salvador, Ethiopia,

France, Georgia, Indonesia, Ireland, Italy, Latvia, Luxembourg, Madagascar, Malaysia, Mexico, New Zealand, Norway, Peru, the Philippines, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Angola, Bangladesh, Belarus, Costa Rica, Germany, Israel, Morocco, Senegal, Ukraine and Venezuela subsequently joined the sponsors.

522. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/72.

XIX. ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

523. The Commission considered agenda item 19 at its 48th and 49th meetings, on 22 April, and at its 59th meeting, on 28 April 1999. 1/

524. For the documents issued under agenda item 19, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

525. At the 48th meeting, on 22 April 1999:

(a) Mr. Thomas Hammarberg, Special Representative of the Secretary-General on the situation of human rights in Cambodia, introduced his report (E/CN.4/1999/101);

(b) Mr. Adama Dieng, independent expert on the situation of human rights in Haiti, made a statement;

(c) Ms. Mona Rishmawi, independent expert on the situation of human rights in Somalia, introduced her report (E/CN.4/1999/103 and Add.1);

(d) Ms. Leila I. Takla, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, made a statement.

526. In the general debate on agenda item 19, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III.

Question of assistance to Chad

527. Also at its 48th meeting, the Commission adopted, without a vote, a decision concerning the question of assistance to Chad (see chap. IX, para 248, above).

528. For the text of the decision, see chapter II, section B, decision 1999/102.

Mainstreaming technical cooperation in all areas of human rights

529. At the 59th meeting, on 28 April 1999, the representative of India introduced draft resolution E/CN.4/1999/L.76, sponsored by Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, the Islamic Republic of Iran, Malaysia, Pakistan, the Philippines, Saudi Arabia and the Sudan. Cameroon, El Salvador, Ethiopia, Ghana, Haiti, Nepal, Nigeria, Qatar, Republic of the Congo, Rwanda, Sri Lanka and Uganda subsequently joined the sponsors.

530. Statements in explanation of vote before the vote were made by the representatives of Austria, Canada (also on behalf of Norway), Germany (on behalf of the European Union, and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement), Japan, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay.

531. The representative of Germany requested a vote. At the request of the representative of India, a roll-call vote was taken on the draft resolution, which was adopted by 27 votes to 19, with 7 abstentions. The voting was as follows:

In favour: Bangladesh, Bhutan, Botswana, China, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, India, Indonesia, Liberia, Madagascar, Mauritius, Mexico, Nepal, Niger, Pakistan, Peru, Philippines, Qatar, Republic of the Congo, Russian Federation, Rwanda, Senegal, Sri Lanka, Sudan, Tunisia.

Against: Argentina, Austria, Canada, Chile, Czech Republic, France, Germany, Ireland, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Republic of Korea, Romania, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Cape Verde, Colombia, Guatemala, Morocco, Mozambique, Uruguay, Venezuela.

532. For the text as adopted, see chapter II, section A, resolution 1999/73.

Assistance to States in strengthening the rule of law

533. At the 59th meeting, the Observer for Brazil introduced draft resolution E/CN.4/1999/L.77, sponsored by Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Germany, Greece, Guatemala, Honduras, Japan, Madagascar, Mexico, the Netherlands, New Zealand, Nicaragua, Paraguay, Peru, Portugal, the Russian Federation, South Africa, Spain, Togo, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela. Angola, Belarus, Bolivia, Cameroon, Haiti, Italy, Morocco, Norway, the Republic of Korea and Ukraine subsequently joined the sponsors.

534. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/74.

Assistance to Somalia in the field of human rights

535. At the same meeting, the representative of Italy introduced draft resolution E/CN.4/1999/L.89, sponsored by Australia, Austria, Belgium, Bulgaria, Canada, Denmark, France, Germany, Italy, Japan, Norway, Portugal, the Republic of Korea, Romania, South Africa, Spain and Sweden. Costa Rica, Ireland and New Zealand subsequently joined the sponsors.

536. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

537. The draft resolution was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/75.

Situation of human rights in Cambodia

538. At the 59th meeting, the representative of Japan introduced draft resolution E/CN.4/1999/L.92, sponsored by Australia, Austria, Canada, Denmark, Finland, Germany, Iceland, Italy, Japan, the Netherlands, New Zealand, Norway, Romania, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Belgium, France, Hungary, Ireland, Israel and Senegal subsequently joined the sponsors.

539. The fourth, sixth and seventh preambular paragraphs and paragraphs 4, 5, 10 and 12 of the draft resolution were orally revised by the representative of Japan.

540. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

541. The draft resolution, as orally revised, was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/76.

542. After the adoption of the resolution, the representative of the United States of America made a statement in explanation of her delegation's position.

Situation of human rights in Haiti

543. Also at the 59th meeting, the representative of Venezuela introduced draft resolution E/CN.4/1999/L.93, sponsored by Argentina, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Ecuador, El Salvador, France, Germany, Guatemala, Haiti, Honduras, Japan, Mexico, Paraguay, Peru and Uruguay. Brazil, Finland, Israel, Nicaragua, Norway, Sweden, the United States of America and Venezuela subsequently joined the sponsors.

544. The representative of Venezuela orally revised the seventh preambular paragraph of the draft resolution and added a new paragraph before the eighth preambular paragraph.

545. A statement in connection with the draft resolution was made by the Observer for Haiti.

546. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 2/ of the draft resolution.

547. The draft resolution, as orally revised, was adopted without a vote. For the text as adopted, see chapter II, section A, resolution 1999/77.

XX. RATIONALIZATION OF THE WORK OF THE COMMISSION

548. The Commission considered agenda item 20 at its 53rd and 54th meetings, on 26 April, and at its 61st meeting, on 29 April 1999. 1/

549. For the documents issued under agenda item 20, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

550. In the general debate on agenda item 20, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III.

Enhancing the effectiveness of the mechanisms of the Commission on Human Rights

551. At the 61st meeting, on 29 April 1999, draft resolutions E/CN.4/1999/L.62/Rev.1 and E/CN.4/1999/L.101 were withdrawn by their sponsors.

552. At the same meeting, the Chairperson, on behalf of the Commission, made the following statement concerning the review of mechanisms of the Commission:

> "All participants in the Commission on Human Rights are conscious of the need to enhance the effectiveness of Commission mechanisms and are committed to making substantial and early progress in this regard. They acknowledge the importance of considering the issues involved in a comprehensive and integrated manner but also see benefit in incremental steps intended to advance the overall process.
>
> "In this spirit, the Commission, at its fifty-fifth session, carefully considered the report on review of mechanisms submitted by the Bureau of the fifty-fourth session in accordance with the mandate contained in decision 1998/112 adopted by the Commission on 24 April 1998, following a statement by the Chairman. The Commission expresses its appreciation of the extensive report prepared by the Bureau after wide-ranging consultations. This report has moved the discussion on review of mechanisms forward significantly and the Commission is determined to maintain the impetus and proceed in a result-oriented manner.
>
> "Post-sessional work
>
> "Given the scope of the issues involved and the limited time available at the fifty-fifth session, the Commission decides to establish an inter-sessional open-ended working group under this item on enhancing the effectiveness of the mechanisms of the Commission to continue the comprehensive examination of the Bureau report as well as other contributions in this connection. So that work can get under way expeditiously, it is envisaged that the chair of the Working Group will be designated within a month of the conclusion of the fifty-fifth session. Regional coordinators are requested to consult in this regard as a matter of priority; these consultations should include the possibility of appointing one or more vice-chairs of the Working Group.

"The Working Group will have a total of up to 15 meeting days at its disposal during the coming year. An early meeting should be convened to allow for the appointment of a chair as well as a decision on an appropriate rhythm of meetings. The Commission envisages that, given the time allocated during the coming year and the amount of preparatory work already done, the Working Group should be able to complete its work in advance of the fifty-sixth session of the Commission. The chair of the Working Group is requested to present a full report to the Commission at its fifty-sixth session, including recommendations for endorsement by the Commission.

"The Commission carefully considered the decision-making basis on which the inter-sessional Working Group should operate. The value of a consensual approach was fully recognized; there were concerns, however, that a consensus requirement might impede progress in areas where a broad and representative majority wished to move forward. It was agreed that, as soon as the broadest possible agreement is reached on particular issues, all participants in the Working Group will demonstrate a flexible and constructive approach in order to facilitate a consensual outcome. With this understanding, it was agreed that the Working Group should direct its efforts towards the formulation of recommendations on a basis of consensus. In reporting to the fifty-sixth session, the chair of the Working Group is invited to indicate how this approach to decision-making has operated in practice.

"Decisions at the fifty-fifth session of the Commission/Guidance to the Working Group

"While providing for comprehensive and detailed post-sessional work, the Commission considered whether there were aspects of the Bureau report on which decisions might be taken at the fifty-fifth session. Additionally, because of the time frame within which the Working Group will operate, the Commission was anxious to give clear guidance with regard to issues on which the Working Group should concentrate. The outcome of the Commission consideration of each section of the Bureau report is summarized below.*

(a) Special procedure mandates

"The Commission agreed on the following steps to be implemented immediately:

"(i) To ensure prompt implementation of special procedure mandates, the Commission shall propose to the Economic and Social Council to include in its organizational session in May consideration of any proposals regarding special procedure mandates adopted at the annual session of the Commission on Human Rights. (recommendation 4);

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* For ease of reference, the Bureau recommendation which addresses the relevant issue is indicated in each case; citation does not imply acceptance of the recommendation.

"(ii) To help maintain appropriate detachment and objectivity on the part of individual office-holders, and to ensure a regular infusion of new expertise and perspectives, any individual's tenure in a given mandate, whether thematic or country-specific, will be no more than six years. As a transitional measure, office-holders who have served more than three years when their current mandates expire will be limited to at most three years of further renewals in these posts. Reassignment of individuals to other mandates will be considered only in exceptional circumstances (recommendation 6);

"(iii) To seek to address current difficulties regarding documentation, the special procedures should continue to submit their reports whenever possible by mid-December; unedited advance copies should be made available to all interested parties by the Office of the United Nations High Commissioner for Human Rights; all of the special rapporteurs, representatives, experts and working groups should include an executive summary of no more than three or four pages; these summaries should be given highest priority in translation and processing so as to have them available as far in advance as possible of the Commission sessions. Any written update to the reports should be kept as brief as possible (recommendation 8 (a)-(e));

"As regards responsibility for appointments to special procedure posts and duration of mandates of mechanisms, the Commission considers current practice broadly satisfactory but is prepared to consider any recommendations from the inter-sessional Working Group. (recommendations 3 and 5);

"Taking account of the above, the Commission requests the Working Group to focus in particular on the following areas in preparing recommendations for action at the fifty-sixth session:

"(i) How to rationalize and strengthen the Commission's network of thematic special procedures (recommendation 1);

"(ii) How to support the mechanisms in responding urgently and effectively when allegations or concerns of serious human rights violations, requiring immediate clarification and/or relief measures, are brought to their attention (recommendations 2 and 8 (f));

"(iii) How to make consideration of reports of the special mechanisms at the Commission sessions more meaningful. Issues arising in this context include (a) a more focused and systematic dialogue on observations and recommendations, (b) discussion of follow-up of current and past recommendations, and (c) consideration of situations involving failure or denial of cooperation by Governments (recommendations 7 and 9);

"(iv) How to ensure that, between annual sessions of the Commission, there is effective ongoing follow-up on the recommendations of special procedures and related conclusions of the previous Commission session (recommendation 10).

"(b) Procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII)

"The Commission agrees that the purposes for which the procedure in accordance with Economic and Social Council resolution 1503 of 27 May 1970 was designed to serve remain valid but that the present procedure requires significant overhaul. Next year, marking the thirtieth anniversary of the establishment of the current procedure, would be an appropriate occasion to implement change. The inter-sessional Working Group is therefore requested to prepare recommendations on the 1503 procedure for decision at the fifty-sixth session, taking account of the detailed suggestions contained in the Bureau report (recommendation 11);

"(c) Sub-Commission on Prevention of Discrimination and Protection of Minorities

"While fully valuing the distinctive role and contribution of the Sub-Commission over its more than 50-year history, the Commission considers that it too is in need of thorough review. Symbolizing the intention to proceed to change, and also so as to reflect better the scope of the Sub-Commission's work, the Commission agrees to recommend to the Economic and Social Council an immediate change of title to 'Sub-Commission on the Promotion and Protection of Human Rights'.

"The Commission requests the Working Group to draw up recommendations for change for submission to the fifty-sixth session, taking account of recommendation 12 of the Bureau report. In drawing up its recommendations, the working group should focus on the role and mandate of the Sub-Commission (bearing in mind the need to avoid duplication with the Commission and the central importance of the Sub-Commission's original role as a source of research, studies and expert advice), its composition (size, independence and expertise of membership, geographical balance) and questions of effectiveness and efficiency, including the duration of meetings.

"(d) Standard setting

"The Commission notes that recommendation 13 of the Bureau report identifies a number of important issues including (a) laying the groundwork for standard-setting working groups; (b) establishing time frames; (c) method of decision-making; (d) role of chairs of such working groups. The Commission requests the Working Group to study these issues further and to prepare a recommendation for consideration at the fifty-sixth session.

"Conclusion

"The Commission once again underlines the importance it attaches to the strengthening of mechanisms, its strong desire that the Working Group should proceed in an expeditious and constructive manner, and its intention to mark next year's session with the adoption of a coherent and substantial set of measures aimed at enhancing the effectiveness of the Commission."

553. Statements in connection with agenda item 20 were made by the representatives of Argentina, Cuba, Germany and Pakistan.

554. For the text of the draft decision recommended for adoption by the Economic and Social Council, see chapter I, section B, draft decision 31.

XXI. (a) DRAFT PROVISIONAL AGENDA FOR THE FIFTY-SIXTH SESSION OF THE COMMISSION

555. The Commission considered agenda item 21 at its 62nd meeting, on 30 April 1999. 1/

556. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974, the Comission had before it a note by the Secretary-General (E/CN.4/1999/L.1) containing a draft provisional agenda for the fifty-sixth session of the Commission and indicating the documents to be submitted under each agenda item and the legislative authority for their preparation and consideration.

557. The Commission took note of the draft provisional agenda for the fifty-sixth session of the Commission, which read as follows:

1. Election of officers.

2. Adoption of the agenda.

3. Organization of the work of the session.

   Legislative authority: relevant resolutions and decisions of the General Assembly, the Economic and Social Council and the Commission.

   Documentation:

   Report of the United Nations High Commissioner for Human Rights containing an analysis of the situation of human rights in Colombia (statement agreed on by consensus by the Commission, made by the Chairperson on 27 April 1999).

4. Report of the United Nations High Commissioner for Human Rights and follow-up to the World Conference on Human Rights.

   Legislative authority: General Assembly resolution 48/141; Commission resolutions 1997/69 and 1999/54.

   Documentation:

   Report of the United Nations High Commissioner for Human Rights (General Assembly resolution 48/141, para. 5; Commission resolution 1997/69, para. 14).

5. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

   Legislative authority: Commission resolutions 1999/3 and 1999/55.

   Documentation:

   (a) Report of the Special Rapporteur on the question of the use of mercenaries (resolution 1999/3, para. 12);

(b) Report of the Secretary-General on the implementation of resolution 1999/55 on the situation in occupied Palestine (resolution 1999/55, para. 2).

6. Racism, racial discrimination, xenophobia and all forms of discrimination.

Legislative authority: Commission resolutions 1999/78 and 1999/82

Documentation:

(a) Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (resolution 1999/78, para. 32);

(b) Report of the Secretary-General on the implementation of resolution 1999/78 (para. 70).

7. The right to development.

Legislative authority: Commission resolutions 1998/72 and 1999/79.

Documentation:

(a) Sessional report of the open-ended Working Group (resolution 1998/72, para. 10 (a) (iii));

(b) Report of the United Nations High Commissioner for Human Rights (resolution 1998/72, para. 11; resolution 1999/79, para. 11);

(c) Report of the Secretary-General (resolution 1999/79, para. 12).

8. Question of the violation of human rights in the occupied Arab territories, including Palestine.

Legislative authority: Commission resolutions 1993/2, 1999/5, 1999/6 and 1999/7.

Documentation:

(a) Report of the Special Rapporteur (resolution 1993/2 A, para. 4);

(b) Reports of the Secretary-General (resolution 1999/5, para. 10; resolution 1999/6, para. 6);

(c) List of United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation (resolution 1999/5, para. 11).

9. Question of the violation of human rights and fundamental freedoms in any part of the world, including:

(a) Question of human rights in Cyprus;

(b) Procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII).

Legislative authority: Economic and Social Council resolutions 1235 (XLII), 1503 (XLVIII) and 1990/41; Commission resolutions 8 (XXIII), 1999/1, 1999/2, 1999/8, 1999/9, 1999/10, 1999/12, 1999/13, 1999/14, 1999/15, 1999/16, 1999/17, 1999/18, 1999/19, 1999/20 and 1999/56, and decision 1999/103.

Documentation:

(a) Report of the Working Group on Situations (Economic and Social Council resolution 1990/41);

(b) Note by the United Nations High Commissioner for Human Rights reproducing information about violations of human rights and international humanitarian law in Sierra Leone (Commission resolution 1999/1, para. 4);

(c) Report of the United Nations High Commissioner for Human Rights on the situation of human rights and the humanitarian crisis relating to Kosovo (Commission resolution 1999/2, para. 8);

(d) Report of the Special Rapporteur on the situation of human rights in Afghanistan (Commission resolution 1999/9, paras. 11 (d) and 14 (a));

(e) Report of the Special Rapporteur on the situation of human rights in Burundi (Commission resolution 1999/10, para. 24);

(f) Report of the Secretary-General on the situation of human rights in southern Lebanon and western Bekaa (Commission resolution 1999/12, para. 6 (b));

(g) Report of the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran (Commission resolution 1999/13, para. 5 (a));

(h) Report of the Special Rapporteur on the situation of human rights in Iraq (Commission resolution 1999/14, para. 4 (a));

(i) Report of the Special Rapporteur on the situation of human rights in the Sudan (Commission resolution 1999/15, para. 7 (a));

(j) Report of the Special Rapporteur on the situation of human rights in Myanmar (Commission resolution 1999/17, para. 8 (a));

(k) Report of the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Commission resolution 1999/18, para. 56);

(l) Report of the Special Representative of the Commission on the situation of human rights in Equatorial Guinea (Commission resolution 1999/19, para. 10);

(m) Report of the Special Representative of the Commission on the situation of human rights in Rwanda (Commission resolution 1999/20, para. 32);

(n) Report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (Commission resolution 1999/56, para. 9 (a));

(o) Report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo and of the Special Rapporteur on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances on a joint mission to investigate all massacres carried out on the territory of the Democratic Republic of the Congo (Commission resolution 1999/56, para. 9 (b));

(p) Report of the Secretary-General on the situation of human rights in East Timor (statement agreed on by consensus by the Commission, made by the Chairperson on 23 April 1999);

(q) Report of the Secretary-General on the question of human rights in Cyprus (Commission decision 1999/103).

10. Economic, social and cultural rights.

Legislative authority: Commission resolutions 1998/25, 1999/21, 1999/22, 1999/23, 1999/24, 1999/25 and 1999/26 and decision 1999/104.

Documentation:

(a) Report of the Secretary-General on the implications and negative effects of unilateral coercive measures (resolution 1999/21, para. 9 (b));

(b) Analytical report of the Special Rapporteur on the effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt (resolution 1999/22, para. 8);

(c) Report of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (resolution 1999/23, paras. 10-13);

(d) Report of the United Nations High Commissioner for Human Rights on the implementation of resolution 1999/24 on the right to food (resolution 1999/24, para. 9);

(e) Report of the Special Rapporteur on the right to education (resolution 1999/25, para. 6 (a));

(f) Report of the United Nations High Commissioner for Human Rights on options relating to the proposal for a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights (resolution 1999/25, para. 6 (d));

(g) Report of the Secretary-General on the implementation of resolution 1999/25 (para. 8);

(h) Report of the independent expert on the question of human rights and extreme poverty (resolutions 1998/25, para. 6 (d) and 1999/26, para. 5 (b) (i));

(i) Report of the Working Group on structural adjustment programmes and economic, social and cultural rights (decision 1999/104, para. (c) (iii)).

11. Civil and political rights, including questions of:

(a) Torture and detention;

(b) Disappearance and summary executions;

(c) Freedom of expression;

(d) Independence of the judiciary, administration of justice, impunity;

(e) Religious intolerance;

(f) States of emergency;

(g) Conscientious objection to military service.

Legislative authority: Commission resolutions 1998/36, 1998/39, 1998/77, 1999/27, 1999/28, 1999/29, 1999/30, 1999/31, 1999/32, 1999/33, 1999/35, 1999/36, 1999/37, 1999/38, 1999/39 and 1999/57.

Documentation:

(a) Report of the Office of the United Nations High Commissioner for Human Rights on human rights and forensic science (resolution 1998/36, para. 7);

(b) Report of the Secretary-General on human rights in the administration of justice, in particular juvenile justice (resolution 1998/39, para. 17);

(c) Report of the Secretary-General on the conscientious objection to military service (resolution 1998/77, para. 10);

(d) Report of the Secretary-General on human rights and arbitrary deprivation of nationality (resolution 1999/28, para. 7);

(e) Report of the Working Group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 1999/30, paras. 2 and 7);

(f) Report of the Special Rapporteur on the independence of judges and lawyers (resolution 1999/31, para. 8);

(g) Annual report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 1999/32, para. 18);

(h) Report of the Special Rapporteur on the question of torture (resolution 1999/32, para. 29);

(i) Report of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture (resolution 1999/32, para. 36);

(j) Report of the Secretary-General on the operations of the United Nations Voluntary Fund for Victims of Torture (resolution 1999/32, para. 37);

(k) Report of the independent expert entrusted with the preparation of a revised version of the draft basic principles and guidelines on the right to reparation for victims of gross violations of human rights and humanitarian law (resolution 1999/33, para. 4);

(l) Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (resolution 1999/35, para. 11 (a));

(m) Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (resolution 1999/36, para. 12);

(n) Report of the Working Group on Arbitrary Detention (resolution 1999/37, para. 10);

(o) Report of the Working Group on Enforced or Involuntary Disappearances (resolution 1999/38, paras. 2 (i) and 10);

(p) Report of the Special Rapporteur on religious intolerance (resolution 1999/39, para. 15).

12. Integration of the human rights of women and a gender perspective:

(a) Violence against women.

Legislative authority: Commission resolutions 1997/44, 1999/40, 1999/41 and 1999/42.

Documentation:

(a) Report of the Special Rapporteur on violence against women (resolution 1997/44, para. 14);

(b) Report of the Secretary-General on traffic in women and girls (resolution 1999/40, para. 19);

(c) Report of the Secretary-General on the question of integrating the human rights of women throughout the United Nations system (resolution 1999/41, paras. 10 and 24).

13. Rights of the child.

Legislative authority: General Assembly resolution 51/77; Commission resolutions 1992/74, 1999/43 and 1999/80.

Documentation:

(a) Annual report of the Special Representative of the Secretary-General on the impact of armed conflict on children (General Assembly resolution 51/77, para. 37);

(b) Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the state of implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography (Commission resolution 1992/74, sect. I, para. 8);

(c) Report of the Secretary-General on the implementation of Commission resolution 1999/43 on the abduction of children from northern Uganda (Commission resolution 1999/43, para. 12);

(d) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography (Commission resolution 1999/80, para. 13 (a));

(e) Report of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Commission resolution 1999/80, para. 13 (b) (ii));

(f) Report of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts (Commission resolution 1999/80, para. 17 (b));

(g) Report of the Secretary-General (Commission resolution 1999/80, para. 38 (a)).

14. Specific groups and individuals:

(a) Migrant workers;

(b) Minorities;

(c) Mass exoduses and displaced persons;

(d) Other vulnerable groups and individuals.

Legislative authority: Commission resolutions 1998/17, 1998/31, 1998/49, 1999/44, 1999/45, 1999/46, 1999/47 and 1999/48.

Documentation:

(a) Updated report of the Secretary-General on violence against women migrant workers (resolution 1998/17, para. 8);

(b) Report of the Secretary-General on human rights of persons with disabilities (resolution 1998/31, para. 20);

(c) Report of the United Nations High Commissioner for Human Rights on human rights and mass exoduses and displacements (resolution 1998/49, para. 13);

(d) Report of the Special Rapporteur on the human rights of migrants (resolution 1999/44, para. 11);

(e) Report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (resolution 1999/45, para. 7);

(f) Updated report of the Secretary-General on the question of the removal of organs and tissues of children and adults for commercial purposes (resolution 1999/46, para. 3);

(g) Report of the Representative of the Secretary-General on internally displaced persons (resolution 1999/47, para. 18);

(h) Report of the Secretary-General on the implementation of resolution 1999/48 on the rights of persons belonging to national or ethnic, religious and linguistic minorities (resolution 1999/48, para. 15).

15. Indigenous issues.

Legislative authority: Commission resolutions 1999/50, 1999/51 and 1999/52.

Documentation:

(a) Progress report of the Working Group on a draft declaration (resolution 1999/50, para. 6);

(b) Updated annual report of the United Nations High Commissioner for Human Rights on the International Decade of the World's Indigenous People (resolution 1999/51, para. 12);

(c) Report of the Working Group on proposals for the possible establishment of a permanent forum for indigenous people within the United Nations system (resolution 1999/52, para. 4).

16. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities:

(a) Report and draft decisions;

(b) Election of members.

Legislative authority: Commission resolution 1999/81.

Documentation:

Report of the Chairperson of the Sub-Commission (resolution 1999/81, para. 12).

17. Promotion and protection of human rights:

(a) Status of the International Covenants on Human Rights;

(b) Human rights defenders;

(c) Information and education;

(d) Science and environment.

Legislative authority: Commission resolutions 1998/9, 1998/21, 1999/34, 1999/58, 1999/61, 1999/62, 1999/64, 1999/65 and 1999/66 and decision 1999/111.

Documentation:

(a) Report of the Secretary-General on the status of the International Covenants on Human Rights (resolution 1998/9, para. 18);

(b) Report of the Secretary-General on the issue of impunity (resolution 1999/34, para. 9);

(c) Report of the Secretary-General on the issue of impunity of perpetrators of violations of economic, social and cultural rights (resolution 1999/58, para. 5);

(d) Report of the Secretary-General on the death penalty (resolution 1999/61, para. 6);

(e) Report of the Office of the United Nations High Commissioner for Human Rights on the issue of a culture of peace (resolution 1999/62, para. 5);

(f) Report of the Secretary-General on the implementation of resolution 1999/64 on the United Nations Decade for Human Rights Education (resolution 1999/64, para. 15);

(g) Report of the Secretary-General on fundamental standards of humanity (resolution 1999/65, para. 4);

(h) Report of the Secretary-General on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (resolution 1999/66, paras. 2 and 3).

18. Effective functioning of human rights mechanisms:

(a) Treaty bodies;

(b) National institutions and regional arrangements;

(c) Adaptation and strengthening of the United Nations machinery for human rights.

Legislative authority: Commission resolutions 1998/27, 1998/37, 1999/16, 1999/69, 1999/70 and 1999/72 and decision 1999/110.

Documentation:

(a) Report of the Secretary-General on the effective implementation of international instruments on human rights (resolution 1998/27, paras. 6 and 25);

(b) Report of the Secretary-General on the situation of United Nations and other personnel (resolution 1998/37, para. 5 (d));

(c) Comprehensive and independent study on the safety and security problems faced by United Nations and other personnel (resolution 1998/37, para. 5 (e));

(d) Report of the Secretary-General on reprisals against persons cooperating with representatives of United Nations human rights bodies (resolution 1999/16, para. 6);

(e) Report of the Secretary-General on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region (resolution 1999/69, para. 16);

(f) Comprehensive report of the United Nations High Commissioner for Human Rights on the composition of the staff of the Office of the High Commissioner (resolution 1999/70, para. 11);

(g) Report of the Secretary-General on national institutions for the promotion and protection of human rights (resolution 1999/72, para. 19).

19. Advisory services and technical cooperation in the field of human rights.

Legislative authority: Commission resolutions 1998/57, 1999/73, 1999/75 and 1999/76 and decision 1999/102.

Documentation:

(a) Analytical report of the Secretary-General on the implementation of the programme of advisory services and technical cooperation in the field of human rights (resolution 1998/57, para. 14 (c), and resolution 1999/73, para. 20);

(b) Report of the Office of the United Nations High Commissioner for Human Rights on mainstreaming technical cooperation (resolution 1999/73, paras. 12 and 13);

(c) Report of the independent expert on the situation of human rights in Somalia (resolution 1999/75, para. 7);

(d) Report of the Special Representative of the Secretary-General on the situation of human rights in Cambodia (resolution 1999/76);

(e) Report of the Secretary-General on the role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (resolution 1999/76, para. 24);

(f) Report of the independent expert on the situation of human rights in Haiti (resolution 1999/77, para. 18);

(g) Progress report of the United Nations High Commissioner for Human Rights on the establishment and implementation of a technical cooperation project for Chad (decision 1999/102).

20. Rationalization of the work of the Commission.

Legislative authority: Statement made by the Chairperson on 29 April 1999 and agreed on by consensus by the Commission.

Documentation:

Report of the Chair of the inter-sessional open-ended Working Group.

21. (a) Draft provisional agenda for the fifty-seventh session of the Commission;

(b) Report to the Economic and Social Council on the fifty-sixth session of the Commission.

Legislative authority: Economic and Social Council resolution 1894 (LVII); rule 38 of the rules of procedure of the functional commissions of the Council.

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the fifty-seventh session of the Commission, together with information concerning documentation relating thereto.

(b) REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-FIFTH SESSION OF THE COMMISSION

558. Also at its 62nd meeting, the Commission considered the draft report on the work of its fifty-fifth session. The draft report, as contained in documents E/CN.4/1999/L.10 and Add.1-17 and E/CN.4/1999/L.11 and Add.1-7, was adopted ad referendum and the Commission decided to entrust the Rapporteur with its finalization.

Notes

1/ Summary records of each of the meetings are subject to correction. They are considered final with the issuance of a consolidated corrigendum (E/CN.4/1999/SR.1-62/Corrigendum).

2/ An estimate of the administrative and budgetary implications of Commission resolutions and decisions appears in annex IV.

ANNEXES

Annex I

ATTENDANCE

Members

Argentina

Ms. May Lorenzo Alcala*, Mr. Guillermo González*, Mr. Hernán Plorutti**, Mr. Manuel Benítez**, Mr. Pablo Chelia, Mr. Eduardo Varela

Austria

Mr. Christian Strohal*, Mr. Harald Kreid*, Mr. Engelbert Theuermann**, Mr. Michael Desser**, Ms. Elisabeth Riederer**, Ms. Elizabeth Bertagnoli, Mr. Robert Zischg, Ms. Ingrid Kircher, Mr. Martin Olz, Ms. Elizabeth Campestrini

Bangladesh

Mr. Iftekhar Ahmed Chowdhury*, Ms. Ismat Jahan, Mr. Md. Shahidul Haque, Mr. Khalilur Rahman, Mr. Abu Bakr Molla

Bhutan

Mr. Bap Kesang*, Mr. Kinga Singye, Mr. Ugyen Tshewang, Mr. Sonam Tobgay

Botswana

Mr. J. Legwaila*, Ms. T. Ditlhabi-Oliphant, Mr. Ranier Busang, Mr. Tebeleho Boang

Canada

Mr. Ross Hynes*, Ms. Marie Gervais-Vidricaire**, Ms. Adele Dion**, Ms. Kerry Buck, Mr. Wayne Lord, Ms. Deborah Chatsis, Ms. Sabine Nolke, Mr. Adrian Norfolk, Ms. Christine Siminowski, Mr. Sébastien Sigouin, Mr. Drew McVey, Mr. Weldon Epp, Ms. Nicole Mongrain, Mr. Blaine Favel, Ms. Michelle Flardeau-Ramsay, Ms. Jeanne Corriveau, Mr. Bruno Scheire, Mr. Christian Deslauriers

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* Representative.

** Alternate.

Cape Verde

M. Victor Afonso Fidalgo*, M. Jorge Tolentino Araujo

Chile

Mr. Javier Illanes Fernández*, Mr. Alejandro Salinas Rivera**,
Mr. Alfredo Labbe Villa, Mr. Eduardo Tapia Reipel, Ms. Ximena Ares Mora,
Mr. Gerardo Ateaga Castillo, Mr. Omar Jara

China

Mr. Qiao Zonghuai*, Mr. Li Baodong**, Mr. Yu Wenzhe**,
Mr. Liu Xinsheng**, Mr. Wang Min**, Mr. Ren Yisheng, Mr. Chang Weimin,
Ms. Li Jing, Ms. Qi Xiaoxia, Mr. Lai Xike, Mr. Du Zhenquan,
Ms. Yan Jiarong, Mr. Cong Jun, Ms. Li Wen, Mr. Shen Bo

Colombia

Mr. Camilo Reyes Rodríguez, Ms. Fulvia Elvira Benavides,
Mr. Harold Sandoval Bernal, Ms. María Elvira Posada

Cuba

Ms. María de los Angeles Flórez Prida*, Mr. Carlos Amat Forés**,
Mr. Juan Antonio Fernández Palacios**, Ms. Mercedes de Armas García,
Mr. Adrián Delgado González, Mr. Rodolfo Reyes Rodríguez,
Mr. Jorge Ferrer Rodríguez, Ms. Aymée Hernández Quesada,
Mr. Antonio Alonso Menéndez, Mr. Miguel Alfonso Martínez

Czech Republic

Mr. Martin Palous*, Mr. Miroslav Somol**, Mr. Petr Uhl,
Mr. Jirí Malenovsky, Mr. Tomás Pstross, Mr. Karel Hejc,
Mr. Zdenek Venera, Ms. Libuse Paukertova, Mr. Lubomir Hladik,
Mr. Jan Jarab, Ms. Irena Moozova, Ms. Veronika Pastrnakova,
Mr. Miloslav Petru, Mr. Ivan Pinter, Mr. Pavel Prochazka,
Ms. Ivana Schellongova, Mr. Milos Sklenka

Democratic Republic of the Congo

Mr. Zénon Mukongo*, Mr. Mavungu Mvumbi-Di-Ngoma,
Mr. Aubin Minaku Ndjalandjoko, Mr. Marcel Yeta, Ms. Kayembe Mbalayi

Ecuador

Mr. José Ayala Lasso*, Mr. Rolando Vera, Mr. Luis Gallegos Chiriboga,
Mr. Antonio Rodas, Mr. Federico Meneses, Mr. José Valencia,
Mr. Juan Carlos Castrillón, Mr. José Rosenberg, Ms. Miriam Estrada

El Salvador

Mr. Victor Manuel Lagos Pizzati*, Mr. José Roberto Mejia Trabanino, Mr. Mario Castro Grande, Mr. Carlos García, Mr. Rafael Hernandez Gutierrez, Ms. María Gabriela Velasquez

France

Mr. Philippe Petit*, Ms. Christelle d'Angelo, Mr. Charles Josselin, Mr. Jean Felix-Paganon, Mr. Serge Telle, Mr. Harold Valentin, Ms. Cécile Sportis, Mr. Jean Kahn, Mr. Mario Bettati, Ms. Chantal Poiret, Mr. Jean-François Dobelle, Ms. Michèle Aubert, Mr. François Saint-Paul, Mr. Norbert Carrasco-Saulnier, Mr. Hervé Besancenot, Mr. Hervé Magro, Ms. Aline Kuster-Menager, Ms. Michèle Weil-Guthmann, Mr. Delmotte, Mr. Didier Le Bret, Ms. Marine de Carne, Mr. Xavier Sticker, Mr. Denis Douveneau, Mr. Bruno Nedelec, Mr. Gérard Fellous, Ms. Elisabeth Byrs, Mr. Marc-Antoine Lacroix, Ms. Delphine Laborde, Ms. Nahida Sobhan

Germany

Mr. Wilhelm Höynck*, Mr. Walter Lewalter*, Mr. Klaus Metscher**, Mr. Michael Schaefer**, Mr. Thomas Fitschen, Mr. Christian Much, Ms. Susanne Wasum-Rainer, Ms. Eltje Aderhold, Mr. Peter Buschmann, Mr. Michael Feiner, Mr. Peter Felten, Mr. Michael Hasper, Mr. Martin Huth, Mr. Joachim Schmitt, Mr. Thomas Bittner, Ms. Heike Jirari, Ms. Iris Muth, Mr. Christian Resch, Ms. Imme Strauch, Ms. Sabine Strobl, Mr. Andreas Stuve, Ms. Tinia Tober, Mr. Gerd Poppe, Mr. Stefan Duppel

Guatemala

Mr. Luis Alberto Padilla Menéndez*, Ms. Sarah Solis Castaneda**, Ms. Carla Rodríguez Mancia**, Mr. Luis Carranza Cifuentes**, Ms. Sulmi Barrios Monzon, Ms. Araceli Phefgunchal Arriaza, Ms. Ana C. Villacorta Cabarrus, Ms. Beatriz Méndez de la Hoz

India

Ms. Savitri Kunadi*, Mr. Dilip Lahiri**, Mr. H.K. Singh**, Mr. Sandeep Bagchee, Mr. Gautam Mukhopadhyay, Mr. A. Gopinathan, Mr. R. Venu, Mr. Javed Ashraf

Indonesia

Mr. Nugroho Wisnumurti*, Mr. N. Hassan Wirajuda**, Mr. Abdul Gani, Mr. F.X. Lopez Da Cruz, Ms. Susanto Sutoyo, Mr. Makmur Widodo, Mr. Boedidojo, Ms. Lucia H. Rustam, Mr. Harry Purwanto, Mr. Primanto Hendrasmoro, Mr. I. Gusti A.W. Puja, Mr. Andri Hadi, Mr. Muhammad Ansor, Mr. Yayan G.H. Mulyana, Mr. Marzuki Darusman, Mr. Clementino Dos Reis Amaral, Mr. Samsudin, Mr. Sudjadnan Parnohadiningrat, Mr. Heryaddi, Mr. Troesto Waloejosedjati, Ms. Listyowati, Mr. Tati Sumiyaty Darsoyo, Mr. Stjiptohardjo Donoksusumo, Mr. Dino Patti Djalal, Mr. Harry Kandou, Mr. Odo Manuhutu

Ireland

Ms. Anne Anderson*, Mr. Mahon Hayes*, Mr. Niall Burgess,
Ms. Joyce Duffy, Ms. Barbara Cullinane, Ms. Sophie Magennis,
Ms. Kate Fox, Mr. Fergal Mythen, Mr. Barry Ardiff, Ms. Imelda Devaney

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Mr. Andrea Negrotto Cambiaso*, Mr. Claudio Moreno*,
Mr. Giuseppe Calvetta**, Mr. Marco Ricci**, Mr. Luigi Citarella,
Mr. Paolo Onelli, Ms. Viafra Palanca, Mr. Pietro Prosperi,
Ms. Anna Maria Matarazzo, Ms. Rosanna Milone, Mr. Marco Peronaci

Japan

Mr. Nobutoshi Akao*, Mr. Ryuichiro Yamazaki**, Mr. Makoto Katsura**,
Mr. Arika Rakamatsu**, Mr. Shigeki Sumi**, Mr. Kuniko Ozaki,
Mr. Akira Chiba, Mr. Takanori Uehara, Mr. Takeshi Seto,
Mr. Toshiyuki Takahashi, Ms. Takako Ito, Mr. Hajime Kishimori,
Mr. Shiro Konuma, Mr. Masako Sato, Ms. Miyuki Kitago, Ms. Kyoko Kiriu,
Ms. Nobuko Iwatani, Ms. Nicole Deutsch, Mr. Masaki Kawaguchi

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Mr. Romans Baumanis*, Ms. Kristine Malinovska, Mr. Raimonds Jansons,
Ms. Dace Dobraja, Mr. Marks Deitons, Ms. Maris Klisans,
Mr. Martins Pavelsons

Liberia

Mr. Henry D. Williamson*, Ms. Neda Damachi, Mr. Edward Clarke,
Ms. Eva Chenoweth

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Ms. Michèle Pranchere-Tomassini, Ms. Sylvie Lucas, Ms. Beatrice Kirsch,
Mr. Alain Weber, Mr. Henry Folmer, Ms. Nadine Maisch,
Ms. Joelle Schiertz

Madagascar

Mr. Maxime Zafera*, Ms. Faralalao Rakotoniaina**, Ms. Arlette Ramaroson,
Ms. Clarah Andrianjaka, Mr. Allaouidine Koraiche, Mr. Ernest Tata

Mauritius

Mr. Abdool Razack Peeroo*, Mr. Dhurmahdass Baichoo**,
Ms. Usha Dwarka-Canabady, Mr. Ravindranath Sawmy, Mr. Adam Koodoruth

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Mr. Antonio de Icaza*, Mr. Luciano Joublanc,
Mr. Eleazar Benjamín Ruíz y Avila, Mr. Arturo Hernández Basave,
Ms. Alicia Elena Pérez Duarte y Noroña, Mr. Porfirio Thierry Munoz-Ledo,
Mr. Alejandro Negrín Muñoz, Mr. Tomás Díaz Díaz,
Mr. Tonatiuh Romero Reyes, Mr. Edgar Cubero Gomez,
Ms. Lourdes Sosa Márquez, Ms. Amparo Canto González,
Ms. Berenice Díaz Ceballos, Ms. Mireille Roccatti, Mr. Ricardo Camara

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Mr. Nacer Benjelloun-Touimi, Mr. Mohamed Majdi, Ms. Fatima El Mahboul,
Mr. Lofti Bouchaara, Mr. Driss Dahhak, Mr. Abdelaziz Benzakour,
Mr. Abderrazak, Mr. Abdellah Firdaous, Mr. Mohamed Elhatimi,
Mr. Albert Sasson

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Ms. Frances Rodrigues*, Mr. Filipe Chidumo, Mr. Alvaro Ó Da Silva,
Mr. Carlos Dos Santos, Mr. Salvador Namburete,
Ms. Berta Celestino Cossa, Mr. Fernando Chomar

Nepal

Mr. Shambhu Ram Simkhada*, Mr. Nabin Bahadur Shrestha**,
Mr. Shanker Prasad Kattel

Niger

Mr. Housseini Abdou-Saleye*, Mr. Adamou Seydou

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Mr. Björn Skogmo*, Mr. Janis B. Kanavin*, Mr. Petter F. Wille,
Mr. Lars Sigurd Valvatne, Ms. Merette Fjeld Brattested,
Ms. Tanja Hegge, Ms. Susan Eckey, Ms. Heddy Astrup,
Ms. Birgit Vinnes, Mr. Asmund Eriksen, Ms. Ylva Bie,
Mr. Hakon Gram Johannesen, Ms. Lill-Tove Voje, Ms. Hilde Haug,
Ms. Kari Joraandstad

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Mr. Syed Sharifuddin Pirzada*, Mr. Akram Zaki**,
Mr. Chaudhry Muhammad Sarwar Khan, Mr. Munir Akram,
Mr. Basharat Jazbi, Mr. S.K. Tressler, Mr. Nihal Hasmi,
Ms. Attiya Mahmood, Mr. Alamgir Babar, Mr. Asjad Khan,
Mr. Munawar Saeed Bhatti, Ms. Tehmina Janjua, Mr. Syrus Qazi,
Mr. Sardar Ali, Mr. Shamim Raza, Mr. Sultan Ahmad

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Mr. Luis Enrique Chávez, Mr. Gonzalo Guillén, Ms. Lucia Alvear

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Ms. Angelina Sta. Catalina**, Ms. Monina G. Callangan**,
Ms. Regina Irene P. Sarmiento, Ms. Aurora N. Reciña,
Mr. Jorge R. Coquia

Poland

Mr. Janusz Stanczyk*, Mr. Krzysztof Jakubowski*, Mr. Kazimierz Kapera,
Mr. Zbigniew Romaszewski, Mr. Stanislav Cieniuch,
Mr. Zbigniew Szymanski, Mr. Jerzy Ciechanski, Ms. Katarzyna Mazela,
Mr. Tamasz Knothe, Ms. Mariola Chojnacka, Mr. Jacek Tyszko,
Mr. Roman Kuzniar, Ms. Krystyna Zurek, Ms. Agnieszka Dabrowiecka,
Ms. Joanna Janiszewska, Mr. Andrzej Sados, Ms. Magdalena Wojdasiewicz

Qatar

Mr. Fahad Awaida Al-Thani*, Mr. Jassim Nasser Al-Thani,
Mr. Abdullah Al-Mana, Mr. Abdulla H. Jaber, Mr. Khalid Bin
Hamad Al-Thani, Mr. Ali Zouaoui, Mr. Maisra Khalifa

Republic of Korea

Mr. Man Soon Chang*, Mr. Jong-Hoon Kim**, Mr. Ho-Young Ahn,
Mr. Chong-Hoon Kim, Mr. Moo-Keun Kwak, Ms. Hee-Jin Cho,
Mr. Young-Sam Ma, Mr. Kang-Il Huh, Mr. Jae-Hoon Lim, Mr. Chung-Nam Bae,
Mr. Chang Hee Suh, Mr. Young Man Lee

Republic of the Congo

Mr. Rodolphe Adada*, Mr. Jean Martin Mbemba, Mr. Roger Julien Menga,
Mr. Maurice Massengo Tiasse, Mr. Georges Akiera, Mr. Antonin Malekama,
Mr. Joseph Milandou, Mr. Antoine Pesse, Mr. Eugène-André Ossete,
Mr. Justin Biabaroh-Iboro

Romania

Mr. Ioan Maxim*, Mr. Pavel Grecu, Mr. Alexandru Farcas,
Mr. Anton Pacuretu, Mr. Cristian Tabacaru

Russian Federation

Mr. Vasily Sidorov*, Mr. Teimouraz Ramishvili**, Mr. Oleg Malguinov**,
Mr. Vladimir Parshikov**, Mr. Igor Chtcherbak**,
Mr. Vladimir Kartashkin, Mr. Serguei Berezny, Mr. Guennadi Diatlov,
Mr. Vladimir Dolgoborodov, Mr. Vladislav Ermakov, Mr. Youri Ivanov,
Ms. Valeri Grichkevitch, Mr. Vassily Koulechov, Mr. Konstantin Kozhanov,
Mr. Grigory Loukiantsev, Mr. Victor Mechkov,
Ms. Anastasiya Otroshevskaya, Mr. Vladimir Titarenko,
Mr. Alexei Tchervonstev, Mr. Evgueni Shoultsev, Mr. Alexei Goloub,
Ms. Svetlana Maloletkova, Ms. Irina Medvedeva, Mr. Serguei Tchoumarev

Rwanda

Mr. Gérard Gahima*, Mr. Gérard Ntashamaje, Mr. Canisius Kanamura

Senegal

Ms. Absa Claude Diallo*, Mr. Saïdou Nourou Ba, Mr. Amadou Diop,
Mr. Paul Badji, Ms. Maymouna Diop, Mr. Ibou Ndiaye, Mr. Cheikh Niang,
Mr. Abdoul Aziz Ndiaye, Mr. Khaly Adama Ndour, Mr. Mame Baba Cisse,
Mr. Momar Gueye, Mr. El Hadji Sidy Niang, Mr. Ousmane Seye,
Mr. Moussa Balla Kanoute, Mr. Jacques Baudin, Mr. Doudou Dnir

South Africa

Mr. Jacob S. Selebi*, Mr. Sipho George Nene*, Mr. Thomas Markram,
Mr. Pitso Montwedi, Ms. Laura Joyce, Mr. Haiko Alfred,
Ms. Bongiwe Qwabe, Ms. Renuka Naiker, Mr. Xolisa Mabhong,
Mr. Isaac Mogotsi

Sri Lanka

Mr. H.S. Palihakkara*, Mr. Prasad Kariyawasam**, Mr. C.F. Chinniah,
Mr. S.S. Ganegama Arachchi, Mr. A. Saj U. Mendis

Sudan

Mr. Ali Mohammed Othman Yassin*, Mr. Ibrahim Mirghani Ibrahim*,
Mr. Sharaf-El-Din Banaga, Mr. Ahmed Elmufti, Mr. David de Chand,
Mr. Abuelgasim A. Idris, Mr. Abdelraham Bakhit, Mr. Abaddla H. Al-Azreg,
Mr. Ali Abdelrahman Mahmoud, Mr. Eldirdiri M. Ahmed,
Ms. Ilham Ibrahim Mohamed Ahmed, Mr. Abbadi Noureldeen,
Mr. Ali Ahmed Mohamed Taha Elnarsi, Mr. Eltayeb Haroun Ali,
Mr. Yasir Sid Ahmed Elhassan

Tunisia

Mr. Abderrahim Zouari*, Mr. Kamel Morjane, Mr. Abdelhamid El Abed,
Mr. Mohamed Lessir, Mr. Mohamed Habib Cherif, Mr. Youssef Neji,
Mr. Habib Slim, Mr. Raouf Chatty, Mr. Mohamed Samir Koubaa,
Ms. Holla Bachtobji, Mr. Ghazi Jomaa, Mr. Kadhem Baccar

United Kingdom of Great Britain and Northern Ireland

Ms. Audrey Glover*, Mr. Roderic Lyne**, Mr. Kevin Lyne**,
Mr. John Kraus**, Mr. Jolyon Welsh**, Mr. Dan Seymour,
Mr. Paul Bentall, Mr. Colin Wells, Mr. Derek Walton,
Mr. Jeremy Astill-Brown, Mr. Alex Kershaw, Mr. Richard Thompson,
Ms. Veda Richardson, Mr. David Campbell, Ms. Doris Vir Singh,
Mr. Babu Rahman, Ms. Lucy Foster, Ms. Linda Humpries, Mr. Owen Humpries,
Mr. Stuart Summers, Ms. Nia James, Mr. Ian Noble

United States of America

Ms. Nancy H. Rubin*, Mr. Robert Loftis*, Mr. George E. Moose**, Ms. Carla Arranga, Mr. Bartram Brown, Ms. Felice D. Gaer, Mr. Jeffrey S. Robbins, Mr. Michael R. Arietti, Ms. Leslie Gerson, Mr. Harold Koh, Mr. Kenneth R. McKune, Mr. Robert Seiple, Mr. E. Michael Southwick, Ms. Mirta Alvarez, Mr. John Arbogast, Ms. Alexandria Arriaga, Mr. John Buzbee, Mr. Edward Cummings, Mr. Michael Dennis, Ms. Pamela Holmes, Mr. Richard Jerome, Ms. Karen Johnson, Ms. Susan Kovalik, Mr. Craig Kuehl, Mr. Peter Londono, Mr. John Long, Mr. Richard Marshall, Mr. James Maxstadt, Mr. Manish Mishra, Mr. William Murphey, Mr. Alan Papp, Ms. Barbara Perrault, Ms. Lynne Sicade, Ms. Sandra R. Smith, Ms. Lucy Tamlyn, Ms. Yvonne Thayer, Mr. Steven Wagenseil, Mr. Cornelius Walsh, Mr. Robert Ward, Mr. Robert Witajewski, Mr. Thomas Woods, Mr. Paul Berkowitz, Mr. Bret O'Brien, Mr. Joseph Rees, Mr. Jeffery Delaurentis, Mr. Miles Rubin

Uruguay

Mr. Carlos Pérez del Castillo*, Mr. Carlos Sgarbi, Ms. Silvia Izquierdo, Ms. Pamela Vivas, Ms. Laura Dupuy

Venezuela

Mr. Werner Corrales Leal*, Mr. Victor Rodríguez Cedeño*, Mr. Alfredo Michelena, Ms. Rebeca Guevara, Mr. Ricardo Salas, Ms. María Carolina Mendoza Omaña, Ms. María Esperanza Ruesta de Furter, Ms. María Soledad Hernández Rodríguez

States Members of the United Nations represented by observers

Afghanistan, Albania, Algeria, Angola, Armenia, Australia, Azerbaijan, Bahrain, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burundi, Cameroon, Chad, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Democratic People's Republic of Korea, Denmark, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, Gabon, Georgia, Ghana, Greece, Guinea, Haiti, Honduras, Hungary, Iceland, Iran (Islamic Republic of), Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Malaysia, Malta, Mauritania, Monaco, Mongolia, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, Oman, Paraguay, Portugal, Republic of Moldova, San Marino, Saudi Arabia, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Zambia, Zimbabwe

Non-member States represented by observers

Holy See, Switzerland

Other observers

Palestine

United Nations

Department of Public Information, Office for the Coordination of Humanitarian Affairs, United Nations Conference on Trade and Development, United Nations Volunteers, United Nations Research Institute for Social Development

United Nations bodies

Joint United Nations Programme on HIV/AIDS (UNAIDS), United Nations Children's Fund, United Nations Development Programme, United Nations Environment Programme, United Nations Population Fund, World Food Programme, Office of the United Nations High Commissioner for Refugees

Specialized agencies

International Labour Organization, Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization, International Telecommunication Union, World Health Organization, World Bank, International Monetary Fund, World Intellectual Property Organization, United Nations Industrial Development Organization

Intergovernmental organizations

Council of Europe, European Union, International Criminal Police Organization (Interpol), International Organization for Migration, League of Arab States, Organisation Internationale de la Francophonie, Organization of African Unity, Organization of the Islamic Conference, Organization for Security and Cooperation in Europe

Other organizations

International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, Order of Malta

Non-governmental organizations

General consultative status

Academic Council on the United Nations System
Al-Khoei Foundation
Asian Legal Resource Centre
Association de volontaires pour le service international
Caritas Internationalis (International Confederation of Catholic Charities)
Europe-Third World Centre
Franciscans International
International Alliance of Women - Equal Rights, Equal Responsibilities
International Association for Religious Freedom
International Confederation of Free Trade Unions
International Council of Voluntary Agencies
International Council of Women

International Council on Social Welfare
International Institute for Non-Aligned Studies
International Movement ATD Fourth World
Inter-Parliamentary Union
International Save the Children Alliance
Muslim World League
Soroptimist International
Transnational Radical Party
Women's International Democratic Federation
World Confederation of Labour
World Conference on Religion and Peace
World Federation of Democratic Youth
World Federation of Trade Unions
World Federation of United Nations Associations
World Fellowship of Buddhists
World Muslim Congress
World Organization of the Scout Movement
World Veterans Federation
World Wide Fund for Nature International
Zonta International

Special consultative status

Aboriginal and Torres Strait Islander Commission
African Association of Education for Development
African Commission of Health and Human Rights Promoters
Afro-Asian People's Solidarity Organization
Agir ensemble pour les droits de l'homme
All-China Women's Federation
All India Women's Conference
American Association of Jurists
Amnesty International
Andean Commission of Jurists
Anti-Racism Information Service
Anti-Slavery International
Arab Lawyers Union
Arab Organization for Human Rights
Asian Women's Human Rights Council
Association for the Advancement of Psychological Understanding of Human Nature
Association for the Prevention of Torture
Association of Refugees and Displaced Persons of the Republic of Bosnia-Herzegovina
ATLAS - Association tunisienne pour l'autodéveloppement et la solidarité
Baha'i International Community
Canadian Council of Churches
Canadian Human Rights Foundation
Catholic Institute for International Relations
Centro de Estudios Europeos
Change
China Society for Human Rights
Christian Aid
Christian Democratic International
Commission for the Defense of Human Rights in Central America
Commission of the Churches on International Affairs of the World Council of Churches

Conference of European Churches
Consultative Council of Jewish Organizations
Coordinating Board of Jewish Organizations
December Twelfth Movement International Secretariat
Defence for Children International
Earthjustice Legal Defense Fund
Education International
European Law Students' Association (The)
Federación de Asociaciones de Defensa y Promoción de Los Derechos Humanos
Federation of Cuban Women
France Libertés: Fondation Danielle Mitterrand
Fraternité Notre Dame, Inc.
Freedom House
Friends World Committee for Consultation (Quakers)
General Arab Women Federation
General Conference of the Seventh-Day Adventists
Group for International Solidarity
Habitat International Coalition
Himalayan Research and Cultural Foundation
Human Rights Advocates, Inc.
Human Rights Internet
Human Rights Watch
Indian Council of Education
Indian Movement "Tupaj Amaru"
Institute for Women, Law and Development
Inter-African Committee on Traditional Practices Affecting the Health of Women and Children
Interfaith International
International Alert
International Association against Torture
International Association for the Defence of Religious Liberty
International Association of Democratic Lawyers
International Association of Jewish Lawyers and Jurists
International Catholic Migration Commission
International Centre for Human Rights and Democratic Development
International Commission of Jurists
International Council of Jewish Women
International Council on Alcohol and Addictions
International Federation of ACAT (Action of Christians for the Abolition of Torture)
International Federation of Human Rights Leagues
International Federation of Social Workers
International Federation of University Women
International Federation of Women Lawyers
International Federation Terre des Hommes
International Fellowship of Reconciliation
International Helsinki Federation for Human Rights
International Human Rights Law Group
International Indian Treaty Council
International Institute of Humanitarian Law
International Islamic Federation of Student Organizations
International League for Human Rights
International League for the Rights and Liberation of Peoples
International Movement for Fraternal Union among Races and Peoples
International Movement of Apostolate in the Independent Social Milieus

International Organization for the Development of Freedom of Education
International Organization for the Elimination of All Forms of Racial Discrimination
International Organization of Indigenous Resource Development
International Prison Watch
International Rehabilitation Council for Torture Victims
International Service for Human Rights
International Union of Socialist Youth
International Work Group for Indigenous Affairs
International Young Catholic Students
Inuit Circumpolar Conference
ISIS - International Women's Information and Communication Service
Latin American Federation of Associations of Relatives of Disappeared Detainees
Latin American Human Rights Association
Law Association for Asia and the Pacific
Lutheran World Federation
Marangopoulos Foundation for Human Rights
Minnesota Advocates for Human Rights
National Council of German Women's Organizations - Federal Union of Women's Organizations and Women's Group of German Associations, E.V.
National Union of Jurists of Cuba (The)
Netherlands Organization for International Development Cooperation
Network of Women's Non-Governmental Organizations in the Islamic Republic of Iran
New Humanity
New South Wales Aboriginal Land Council
North South XXI
Organization for Defending Victims of Violence
Organization for the Solidarity of the Peoples of Asia, Africa and Latin America
Organisation tunisienne de l'éducation et de la famille
OXFAM (United Kingdom and Ireland)
Pax Christi International, International Catholic Peace Movement
Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students)
Penal Reform International
Prison Fellowship International
Public Services International
Reporters Without Borders - International
Robert F. Kennedy Memorial
Service Peace and Justice in Latin America
Socialist International Women
Society for Threatened Peoples
Susila Dharma International Association
Union internationale des avocats
Union of Arab Jurists
Union of International Associations
United Towns Agency for North-South Cooperation
Women's International League for Peace and Freedom
World Alliance of Young Men's Christian Associations (YMCA)
World Association of Girl Guides and Girl Scouts
World Federation for Mental Health
World Federation of Methodist and Uniting Church Women
World Jewish Congress

World Movement of Mothers
World Organization Against Torture
World Society of Victimology
World Student Christian Federation
Worldview International Foundation
World Vision International
World Young Women's Christian Association (World YWCA)
Young Doctors Without Frontiers Tunisia

Roster

Aliran Kesedaran Negara-National Consciousness Movement
Article 19 - The International Centre Against Censorship
Asian Buddhists Conference for Peace
Asian Cultural Forum on Development
Association for World Education
Association of World Citizens
Caucasians United for Reparations and Emancipation
Christian Solidarity International
European Federation of Road Traffic Victims
European Union of Public Relations
FIAN - Foodfirst Information and Action Network
Indian Council of South America
Institute for Agriculture and Trade Policy
International Baccalaureate Organisation
International Educational Development, Inc.
International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities
International Federation of Free Journalists
International Federation of Rural Adult Catholic Movements
International Human Rights Association of American Minorities
International Institute for Peace
International Movement Against All Forms of Discrimination and Racism
International Peace Bureau
International PEN
International Women's Tribune Centre
Liberation
Minority Rights Group
Movement against Racism and for Friendship among Peoples
Saami Council
Servas International
Soka Gakkai International
Survival International Limited
Third World Movement against the Exploitation of Women
UNDA - International Catholic Association for Radio and Television
United Methodist Church - General Board of Church Society
United Nations Association of Great Britain and Northern Ireland
World Alliance of Reformed Churches
World Association for the School as an Instrument of Peace
World Christian Life Community
World Medical Association
World Organization of Former Pupils of Catholic Education
World Union for Progressive Judaism

Annex II

AGENDA

1. Election of officers.

2. Adoption of the agenda.

3. Organization of the work of the session.

4. Report of the United Nations High Commissioner for Human Rights and follow-up to the World Conference on Human Rights.

5. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

6. Racism, racial discrimination, xenophobia and all forms of discrimination.

7. The right to development.

8. Question of the violation of human rights in the occupied Arab territories, including Palestine.

9. Question of the violation of human rights and fundamental freedoms in any part of the world, including:

    (a) Question of human rights in Cyprus;

    (b) Procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII).

10. Economic, social and cultural rights.

11. Civil and political rights, including the questions of:

    (a) Torture and detention;

    (b) Disappearances and summary executions;

    (c) Freedom of expression;

    (d) Independence of the judiciary, administration of justice, impunity;

    (e) Religious intolerance;

    (f) States of emergency;

    (g) Conscientious objection to military service.

12. Integration of the human rights of women and the gender perspective:

    (a) Violence against women.

13. Rights of the child.

14. Specific groups and individuals:

    (a) Migrant workers;

    (b) Minorities;

    (c) Mass exoduses and displaced persons;

    (d) Other vulnerable groups and individuals.

15. Indigenous issues.

16. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities:

    (a) Report and draft decisions;

    (b) Election of members.

17. Promotion and protection of human rights:

    (a) Status of the International Covenants on Human Rights;

    (b) Human rights defenders;

    (c) Information and education;

    (d) Science and environment.

18. Effective functioning of human rights mechanisms:

    (a) Treaty bodies;

    (b) National institutions and regional arrangements;

    (c) Adaptation and strengthening of the United Nations machinery for human rights.

19. Advisory services and technical cooperation in the field of human rights.

20. Rationalization of the work of the Commission.

21. (a) Draft provisional agenda for the fifty-sixth session of the Commission;

    (b) Report to the Economic and Social Council on the fifty-fifth session of the Commission.

Annex III

GENERAL DEBATE

Agenda item a/	**Meeting number**	**Speaker**
3 Organization of the work of the session	2nd	**Members:** Bangladesh, Bhutan, Cuba, India (also on behalf of Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Mexico, Myanmar, Nepal, Pakistan, Philippines, Sri Lanka and Sudan), Pakistan (also on behalf of the Organization of the Islamic Conference), Sri Lanka (on behalf of the Group of Asian States)
	3rd	**Members:** China, India, Indonesia, Philippines **Observers:** Egypt
	4th	**Members:** Argentina, Canada, Chile, Germany (on behalf of the European Union), Latvia (on behalf of Armenia, Bulgaria, Czech Republic, Georgia, Lithuania, Poland, Romania, Slovakia and Slovenia), Norway (on behalf of the Group of Western and other States), South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America
	5th	**Members:** Austria, China, Cuba, Ecuador, Germany, Guatemala, India, Ireland, Italy, Norway, Pakistan, Uruguay
	6th	**Members:** Chile, Cuba, Germany, India, Mexico, Norway (on behalf of the Group of Western and other States)
	7th	**Members:** Cuba **Observers:** Spain

Agenda item a/	Meeting number	Speaker
3 Organization of the work of the session (concluded)	38th	**Members (on the situation of human rights in Colombia):** Canada, Colombia, Germany (on behalf of the European Union; Cyprus, Czech Republic, Estonia, Hungary, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement) **Non-governmental organizations:** Agir ensemble pour les droits de l'homme, American Association of Jurists, Amnesty International, Andean Commission of Jurists, Canadian Council of Churches, Catholic Institute for International Relations, Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, France Libertés-Fondation Danielle Mitterrand, Franciscans International, Human Rights Watch, International Commission of Jurists, International Confederation of Free Trade Unions, International Federation of Human Rights Leagues, International League for the Rights and Liberation of Peoples, International Service for Human Rights, Pax Romana, Women's International Democratic Federation, World Organization against Torture
4 Report of the United Nations High Commissioner for Human Rights and follow-up to the World Conference on Human Rights	3rd	**Members:** Botswana, Chile, China,Cuba, India, Norway, Pakistan, Russian Federation, Sudan, United Kingdom of Great Britain and Northern Ireland **Observers:** Iran (Islamic Republic of), Netherlands **Non-governmental organizations:** Association for World Education (joint statement with Association of World Citizens), Christian Solidarity International, Indian Council of Education, International Association against Torture
5 The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation	3rd	**Members:** Bangladesh, Pakistan, Sudan **Observers:** Algeria , Iraq, Palestine
	4th	**Members:** China, Cuba, Indonesia, Russian Federation, Tunisia
	5th	**Members:** Qatar **Members (right of reply):** Sudan **Observers:** Azerbaijan, Egypt, Israel, Jordan, Mauritania, Portugal, Syrian Arab Republic **Non-governmental organizations:** Christian Solidarity International, Pax Romana, Transnational Radical Party

Agenda item a/	Meeting number	Speaker
5 The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation (concluded)	6th	**Members (right of reply):** Indonesia, Pakistan **Observers (right of reply):** Armenia, Azerbaijan, Portugal **Non-governmental organizations:** Afro-Asian People's Solidarity Organization, American Association of Jurists, European Union of Public Relations, France Libertés-Fondation Danielle Mitterrand, Indian Council of Education, Indian Movement "Tupaj Amaru", International Educational Development, Inc., International Human Rights Association of American Minorities, International Indian Treaty Council, International Institute for Non-Aligned Studies, International Institute for Peace, International League for the Rights and Liberation of Peoples, Liberation, Society for Threatened Peoples, Women's International Democratic Federation, World Federation of Trade Unions, World Muslim Congress
6 Racism, racial discrimination, xenophobia and all forms of discrimination	7th	**Members:** Argentina, Bangladesh, China, Cuba, Czech Republic, Ecuador, Germany (on behalf of the European Union; Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement), Guatemala (on behalf of the Group of Latin American and Caribbean States), India, Indonesia, Latvia, Madagascar, Norway, Pakistan, Philippines, Poland, Romania, Russian Federation, Senegal, Sri Lanka, Sudan, United States of America
	8th	**Observers:** Algeria, Belarus, Egypt, Eritrea, Ethiopia, Hungary, Iran (Islamic Republic of), Nicaragua (on behalf of the Group of Central American States), Turkey, Zimbabwe; Switzerland **Other observers:** United Nations Educational, Scientific and Cultural Organization **Non-governmental organizations:** Association for World Education, Christian Solidarity International (joint statement with Association of World Citizens), December Twelfth Movement International Secretariat, Himalayan Research and Cultural Foundation, Interfaith International, International Association against Torture, International Council of Jewish Women, International Institute for Non-Aligned Studies, International Institute for Peace, International Movement against All Forms of Discrimination and Racism, International Organization for the Development of Freedom of Education, International Save the Children Alliance, Movement against Racism and for Friendship among Peoples (joint statement with the Europe-Third World Centre), Transnational Radical Party (joint statement with International Romani Union), Women's International League for Peace and Freedom, World Federation of United Nations Associations

Agenda item a/	Meeting number	Speaker
6 Racism, racial discrimination, xenophobia and all forms of discrimination (concluded)	9th	**Members (right of reply):** Sudan **Observers (right of reply):** Eritrea, Ethiopia **Non-governmental organizations:** American Association of Jurists, Asian Buddhists Conference for Peace, European Union of Public Relations, Indian Movement "Tupaj Amaru", International Educational Development, Inc., International Indian Treaty Council, Society for Threatened Peoples
7 The right to development	9th	**Members:** China, Colombia, Cuba, Germany (on behalf of the European Union; Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement), India, Japan, Madagascar, Morocco, Norway, Nepal, Pakistan, South Africa, Sri Lanka
	10th	**Members:** Bangladesh, Chile, El Salvador, Indonesia, Mexico, Qatar, Russian Federation, Senegal, Sudan, Tunisia, United States of America, Venezuela **Observers:** Algeria, Australia, Belarus, Côte d'Ivoire, Egypt, Iran (Islamic Republic of), Malaysia, Myanmar, Nicaragua, Yemen; Switzerland **Other observers:** United Nations Children's Fund **Non-governmental organizations:** Afro-Asian People's Solidarity Organization, American Association of Jurists, Himalayan Research and Cultural Foundation, Movement against Racism and for Friendship among Peoples (joint statement with Europe-Third World Centre), Pax Romana
	11th	**Non-governmental organizations:** European Union of Public Relations, Franciscans International, Indian Council of Education, Indian Movement "Tupaj Amaru", International Association against Torture, International Confederation of Free Trade Unions, International Federation of Rural Adult Catholic Movements, International Indian Treaty Council, International Institute for Peace, International Movement of Apostolate in the Independent Social Milieus, Society for Threatened Peoples, World Muslim Congress
8 Question of the violation of human rights in the occupied Arab territories, including Palestine	11th	**Members:** Bangladesh, Botswana, Germany (on behalf of the European Union; Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland and Slovakia aligned themselves with the statement), Madagascar, Morocco, Norway, Pakistan, Russian Federation, Senegal **Observers:** Israel, Palestine

Agenda item a/	Meeting number	Speaker
8 Question of the violation of human rights in the occupied Arab territories, including Palestine (concluded)	12th	**Members:** Canada, China, Cuba, Qatar, Sudan, Tunisia **Observers:** Algeria, Egypt, Iran (Islamic Republic of), Jordan, Libyan Arab Jamahiriya, Mauritania, Syrian Arab Republic, Yemen; Switzerland **Observers (right of reply):** Palestine **Other observers:** League of Arab States **Non-governmental organizations:** Amnesty International, Arab Lawyers Union, Association for World Education (joint statement with Association of World Citizens), International Commission of Jurists, International Federation of Human Rights Leagues, Society for Threatened Peoples, World Muslim Congress, World Organization against Torture
9 Question of the violation of human rights and fundamental freedoms in any part of the world	12th	**Members:** India **Observers:** Iraq
	13th	**Members:** Democratic Republic of the Congo, Germany (on behalf of the European Union; Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia associated themselves with the statement), Japan, Qatar, Rwanda, United States of America **Observers:** Myanmar
	14th	**Members:** Canada, South Africa **Members (on the question of Kosovo):** Argentina, Bangladesh, Canada, China, Cuba, France, Germany (on behalf of the European Union; Bulgaria, Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement), India, Japan, Latvia, Mexico, Norway, Pakistan (on behalf of States Members of the United Nations that are members of the Organization of the Islamic Conference), Russian Federation, Tunisia (on behalf of the Group of African States), United States of America **Observers:** Belarus, Egypt, Georgia, Kuwait, Nigeria, Syrian Arab Republic, Turkey

Agenda item a/	Meeting number	Speaker
9 Question of the violation of human rights and fundamental freedoms in any part of the world (continued)	15th	**Members (right of reply):** Cuba, Rwanda, Sudan **Observers:** Croatia, Ethiopia, Lebanon, New Zealand **Observers (right of reply):** Belarus, Democratic People's Republic of Korea, Eritrea, Ethiopia, Greece, Iraq, Kuwait, Malaysia, Turkey **Observers (on the question of Kosovo):** Albania, Bulgaria **Non-governmental organizations:** Al-Khoei Foundation, American Association of Jurists, Amnesty International, Arab Lawyers Union, Christian Solidarity International, Human Rights Watch, International Association for Religious Freedom, International Association of Democratic Lawyers, International Commission of Jurists, International Human Rights Association of American Minorities (joint statement with Gullah Geechee Sea Island Coalition), International Indian Treaty Council, International League for Human Rights, International PEN, Movement against Racism and for Friendship among Peoples, Pax Romana, World Organization against Torture **Non-governmental organizations (on the question of Kosovo):** International Federation of Human Rights Leagues, National Union of Jurists of Cuba (joint statement with Centro de Estudios Europeos and Organization for the Solidarity of the Peoples of Asia, Africa and Latin America), Pax Romana, Transnational Radical Party
	17th	**Members:** Argentina, Norway, Pakistan, Poland, Qatar, Republic of Korea, Sri Lanka, Sudan **Observers:** Afghanistan, Bahrain, Cyprus **Observers (right of reply):** Eritrea, Ethiopia, Greece, Iraq, Turkey
	18th	**Observers:** Albania, Armenia, Australia, Azerbaijan, Bosnia and Herzegovina, Croatia, Democratic People's Republic of Korea, Equatorial Guinea, Eritrea, Greece, Iran (Islamic Republic of), Nicaragua, Portugal **Non-governmental organizations:** Afro-Asian People's Solidarity Organization, Asian Buddhists Conference for Peace, Europe-Third World Centre, European Union of Public Relations, General Arab Women Federation, Interfaith International, International Association against Torture (joint statement with December Twelfth Movement International Secretariat), International Federation of Human Rights Leagues, International Federation of Rural Adult Catholic Movements, International League for the Rights and Liberation of Peoples, Lutheran World Federation (joint statement with Save the Children U. K., OXFAM and World Christian Life Community), North South XXI, Permanent Assembly for Human Rights, World Federation of Trade Unions

Agenda item a/	**Meeting number**	**Speaker**
9 Question of the violation of human rights and fundamental freedoms in any part of the world (continued)	19th	**Members:** China, Cuba, Indonesia **Non-governmental organizations:** Agir ensemble pour les droits de l'homme, All-China Women's Federation, Arab Organization for Human Rights, Article 19-The International Centre against Censorship, Centro de Estudios Europeos, Indian Movement "Tupaj Amaru" (joint statement with Union of Arab Jurists), International Association for the Defence of Religious Liberty, International Buddhist Foundation, International Educational Development, Inc., International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, Liberation, National Union of Jurists of Cuba, Netherlands Organization for International Development Cooperation, Organization for the Solidarity of the Peoples of Asia, Africa and Latin America, Service Justice and Peace in Latin America, Women's International Democratic Federation, World Muslim Congress
	20th	**Non-governmental organizations:** African Association of Education for Development, African Commission of Health and Human Rights Promoters, Aliran Kesedaran Negara - National Consciousness Movement, Anti-Slavery International, Asian Legal Resource Centre, Association of Refugees and Displaced Persons of the Republic of Bosnia-Herzegovina, Baha'i International Community, Canadian Council of Churches, Commission of the Churches on International Affairs of the World Council of Churches, Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, France Libertés-Fondation Danielle Mitterrand, Franciscans International, Freedom House, International Confederation of Free Trade Unions, International Federation of ACAT (Action of Christians for the Abolition of Torture), International Human Rights Law Group, International Institute for Peace, International Islamic Federation of Student Organizations, International Movement against All Forms of Discrimination and Racism, International Peace Bureau, International Union of Socialist Youth, International Young Catholic Students, Latin American Federation of Associations of Relatives of Disappeared Detainees, Muslim World League, National Council of German Women's Organizations - Federal Union of Women's Organizations and Women's Groups of German Associations, E.V., Organization for Defending Victims of Violence, Organisation tunisienne de l'éducation et de la famille, Robert F. Kennedy Memorial, Society for Threatened Peoples, Transnational Radical Party, World Alliance of Reformed Churches, World Federation of Democratic Youth, Worldview International Foundation

Agenda item a/	Meeting number	Speaker
9 Question of the violation of human rights and fundamental freedoms in any part of the world (concluded)	21st	**Members (right of reply):** Cuba, Czech Republic, Indonesia, Nepal, Poland **Observers (right of reply):** Algeria, Angola, Armenia, Azerbaijan, Cyprus, Eritrea, Ethiopia, Greece, Myanmar, Portugal, Turkey, Zimbabwe
10 Economic, social and cultural rights	21st	**Members:** China, El Salvador (on behalf of the Group of Central American States), Germany (on behalf of the European Union; Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement), India, Japan, Madagascar, Peru
	22nd	**Members:** Bangladesh, Cuba, Guatemala, Indonesia, Mexico, Norway, Philippines, Republic of Korea, Sudan, United States of America, Uruguay, Venezuela **Observers:** Belarus, Brazil, Haiti, Iran (Islamic Republic of), Iraq, Libyan Arab Jamahiriya, Malaysia, Netherlands, Paraguay, Ukraine; Holy See, Switzerland **Other observers:** Food and Agriculture Organization of the United Nations, International Labour Organization, United Nations Children's Fund

Agenda item a/	Meeting number	Speaker
10 Economic, social and cultural rights (concluded)	23rd	**Members:** Argentina **Observers:** Egypt **Non-governmental organizations:** American Association of Jurists, Asian Buddhists Conference for Peace, ATLAS-Association tunisienne pour l'autodéveloppement et la solidarité, Canadian Council of Churches, Europe-Third World Centre, Christian Solidarity International (joint statement with Association for World Education), Commission for the Defense of Human Rights in Central America, European Union of Public Relations, Habitat International Coalition, Himalayan Research and Cultural Foundation, Human Rights Advocates, Inc., Interfaith International, International Association of Democratic Lawyers, International Baccalaureate Organization, International Confederation of Free Trade Unions, International Federation of Human Rights Leagues, International Federation Terre des Hommes, International Federation of University Women (joint statement with 27 non-governmental organizations), International Institute for Peace, International League for the Rights and Liberation of Peoples, International Movement of Apostolate in the Independent Social Milieus, International Organization for the Development of Freedom of Education, International Peace Bureau, International Save the Children Alliance, Lutheran World Federation (joint statement with Conference of European Churches and Franciscans International), Pax Romana, Permanent Assembly for Human Rights, Transnational Radical Party, Union of Arab Jurists, Women's International League for Peace and Freedom, World Medical Association, Worldview International Foundation
	24th	**Non-governmental organizations:** Centro de Estudios Europeos, Indian Movement "Tupaj Amaru" (joint statement with North South XXI), International Association against Torture, International Commission of Jurists, International Educational Development, Inc., International Human Rights Law Group (joint statement with other non-governmental organizations from the United States of America), International Indian Treaty Council, International Movement ATD Fourth World, Liberation, Muslim World League, World Federation of Trade Unions, World Muslim Congress
11 Civil and political rights	24th	**Members:** El Salvador, Germany (on behalf of the European Union; Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement), Japan, Latvia, Norway, Peru, Romania, Russian Federation, Venezuela **Observers:** Denmark, Egypt, Georgia, Honduras, Netherlands

Agenda item a/	Meeting number	Speaker
11 Civil and political rights (continued)	25th	**Observers:** Afghanistan, Albania, Algeria, Belarus, Bosnia and Herzegovina, Brazil, Costa Rica, Iran (Islamic Republic of), Turkey, Viet Nam; Holy See, Switzerland **Other observers:** Order of Malta **Non-governmental organizations:** American Association of Jurists, Association for World Education, Christian Solidarity International, Freedom House, Human Rights Watch, International Association for Religious Freedom, International Commission of Jurists, International Federation of Human Rights Leagues, International Movement for Fraternal Union among Races and Peoples, International PEN, International Rehabilitation Council for Torture Victims, Pax Romana, Transnational Radical Party, World Organization against Torture
	26th	**Non-governmental organizations:** African Association of Education for Development, African Commission of Health and Human Rights Promoters, Afro-Asian People's Solidarity Organization, Al-Khoei Foundation, Amnesty International, Arab Organization for Human Rights, Article 19-The International Centre against Censorship, Asian Buddhists Conference for Peace, Asian Legal Resource Centre, Conference of European Churches (joint statement with Lutheran World Federation and World Alliance of Reformed Churches), Friends World Committee for Consultation (Quakers), General Conference of the Seventh-Day Adventists, Himalayan Research and Cultural Foundation, Interfaith International, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Association against Torture (joint statement with December Twelfth Movement International Secretariat), International Federation of ACAT (Action of Christians for the Abolition of Torture), International Federation of Journalists, International Human Rights Law Group, International Islamic Federation of Student Organizations, International League for Human Rights, International League for the Rights and Liberation of Peoples, International Peace Bureau, International Save the Children Alliance, Muslim World League, North South XXI, Rural Reconstruction Nepal, Socialist International Women, Society for Threatened Peoples, War Resisters' International, World Christian Life Community, World Federation of Trade Unions, World Federation of United Nations Associations, World Muslim Congress

Agenda item a/	Meeting number	Speaker
11 Civil and political rights (concluded)	27th	**Members:** Argentina, Botswana, China, Ecuador, Indonesia, Ireland, Mexico, Norway, Pakistan, Philippines, Poland, Sri Lanka, United States of America **Observers:** Cyprus, Malaysia, Nicaragua, Saudi Arabia **Other observers:** United Nations Educational, Scientific and Cultural Organization **Non-governmental organizations:** Asian Cultural Forum on Development, Association for the Prevention of Torture, Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, Indian Movement "Tupaj Amaru", International Educational Development, Inc., International Union of Socialist Youth
	28th	**Members:** Cuba, Republic of Korea, Russian Federation, Sudan, Tunisia **Observers:** Paraguay **Non-governmental organizations:** Aliran Kesedaran Negara - National Consciousness Movement, Brahma Kumaris World Spiritual University, Europe-Third World Centre, Commission of the Churches on International Affairs of the World Council of Churches, European Union of Public Relations, Franciscans International, International Fellowship of Reconciliation, International Human Rights Association of American Minorities, International Institute for Peace, International Women's Tribune Centre, International Young Catholic Students, Inter-Parliamentary Union, Latin American Federation of Associations of Relatives of Disappeared Detainees, National Union of Jurists of Cuba, Netherlands Organization for International Development Cooperation, Permanent Assembly for Human Rights, Robert F. Kennedy Memorial, Third World Movement against the Exploitation of Women, Women's International League for Peace and Freedom, World Press Freedom Committee, Worldview International Foundation
	29th	**Members (right of reply):** Cuba, Democratic Republic of the Congo **Observers (right of reply):** Belarus, Burundi, Cyprus, Egypt, Ethiopia, Iraq, Turkey **Non-governmental organizations:** Agir ensemble pour les droits de l'homme, Centro de Estudios Europeos, Commission for the Defense of Human Rights in Central America, Consultative Council of Jewish Organizations, International Indian Treaty Council, Lawyers Committee for Human Rights, Liberation, Organization for the Solidarity of the Peoples of Asia, Africa and Latin America, Survival International Ltd., United Methodist Church-General Board of Church Society, Women's International Democratic Federation, World Federation of Democratic Youth, Young Doctors without Frontiers Tunisia

Agenda item a/	Meeting number	Speaker
12 Integration of the human rights of women	29th	**Members:** Botswana, Canada, Cuba, El Salvador, Germany (on behalf of the European Union, Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement), Japan
	30th	**Members:** Argentina, Bangladesh, Chile, China, India, Mexico, Norway, Pakistan, Philippines, South Africa, Sudan, United States of America
	31st	**Members:** Indonesia, Republic of Korea **Observers:** Afghanistan, Belarus, Brazil, Croatia, Democratic People's Republic of Korea, Georgia, Haiti, Iran (Islamic Republic of), Iraq, Israel, Liechtenstein, Lithuania, Myanmar, New Zealand, Nicaragua (on behalf of the Group of Central American States) **Other observers:** International Committee of the Red Cross, International Federation of the Red Cross and Red Crescent Societies, International Labour Organization, United Nations Development Fund for Women, United Nations Educational, Scientific and Cultural Organization, United Nations Population Fund, World Health Organization **Non-governmental organizations:** Christian Solidarity International, Human Rights Watch, International Association for Religious Freedom, International Federation of Human Rights Leagues, International Rehabilitation Council for Torture Victims, Pax Romana, Transnational Radical Party, World Federation of Methodist and Uniting Church Women (joint statement with 31 non-governmental organizations), World Organization against Torture

Agenda item a/	Meeting number	Speaker
12 Integration of the human rights of women (concluded)	33rd	**Non-governmental organizations:** African Commission of Health and Human Rights Promoters, Afro-Asian People's Solidarity Organization, Aliran Kesedaran Negara - National Consciousness Movement, Al-Khoei Foundation, All-China Women's Federation, Andean Commission of Jurists, Asia Pacific Forum on Women, Law and Development, Asian Buddhists Conference for Peace, Asian Legal Resource Centre, Asian Women's Human Rights Council, Association for World Education, Commission for the Defense of Human Rights in Central America, European Union of Public Relations, Federation of Cuban Women, Franciscans International, Freedom House, Himalayan Research and Cultural Foundation, Human Rights Advocates, Inc., Indian Movement "Tupaj Amaru", Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, Interfaith International, International Association of Democratic Lawyers, International Confederation of Free Trade Unions, International Educational Development, Inc., International Fellowship of Reconciliation, International Human Rights Law Group, International Institute for Non-Aligned Studies, International Insitute for Peace, International Islamic Federation of Student Organizations, International Peace Bureau, International Women's Tribune Centre (joint statement with the Centre for Women's Global Leadership), Netherlands Organization for International Development Cooperation, Society for Threatened Peoples, Third World Movement against the Exploitation of Women, Union nationale de la femme tunisienne, Women's International League for Peace and Freedom, Worldview International Foundation
	34th	**Members (right of reply):** Pakistan **Observers (right of reply):** Egypt **Non-governmental organizations:** Indian Council of Education, Liberation, Muslim World League, Women's International Democratic Federation, World Federation of Trade Unions, World Muslim Congress
13 Rights of the child	32nd (Special debate on child rights)	**Members:** Austria, Bangladesh, Canada, Chile, Germany, India, Japan, Nepal, Norway, Pakistan, Romania, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay **Observers:** Brazil, Iraq, New Zealand, Sweden, Switzerland **Non-governmental organizations:** Defence for Children International, Franciscans International, International Federation of Social Workers, International Human Rights Law Group, International Save the Children Alliance, Women's International League for Peace and Freedom, World Federation of Methodist and Uniting Church Women

Agenda item a/	Meeting number	Speaker
13 Rights of the child (continued)	34th	**Members:** Botswana, Cuba, Germany (on behalf of the European Union, Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement), Guatemala (on behalf of the Group of Latin American and Caribbean States), Japan, Madagascar, Romania, South Africa, Venezuela
	35th	**Members:** Argentina, China, Czech Republic, El Salvador, Indonesia, Italy, Norway, Pakistan, Philippines, Poland, Republic of Korea, Russian Federation, Sudan, Uruguay **Observers:** Dominican Republic, Egypt, Iraq, New Zealand
	36th	**Observers:** Australia, Belarus, Costa Rica, Honduras, Iran (Islamic Republic of), Israel, Lithuania, Malta, Myanmar, Nicaragua, Paraguay, Slovenia, Uganda; Holy See, Switzerland **Other observers:** International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, United Nations Children's Fund, United Nations Educational, Scientific and Cultural Organization, World Health Organization **Non-governmental organizations:** American Association of Jurists, Association for World Education (joint statement with Association of World Citizens), Christian Solidarity International, Defence for Children International Movement, Friends World Committee for Consultation (Quakers) (joint statement with Amnesty International), Human Rights Watch, International Confederation of Free Trade Unions, International Educational Development, Inc., international Federation Terre des Hommes, International Save the Children Alliance, International Union of Socialist Youth, Pax Romana, World Federation of Methodist and Uniting Church Women (joint statement with 25 non-governmental organizations), World Movement of Mothers, World Organization against Torture

Agenda item a/	Meeting number	Speaker
13 Rights of the child (concluded)	37th	**Observers (right of reply):** Malaysia **Non-governmental organizations:** African Commission of Health and Human Rights Promoters, Afro-Asian People's Solidarity Organization, Aliran Kesedaran Negara - National Consciousness Movement, Association de Volontaires pour le Service International, Baha'i International Community (on behalf of 18 non-governmental organizations), Commission for the Defense of Human Rights in Central America, European Union of Public Relations, Federation of Cuban Women, Franciscans International, Himalayan Research and Cultural Foundation, Human Rights Advocates, Inc., Indian Council of Education, Interfaith International, International Federation of Social Workers, International Human Rights Law Group, International Institute for Non-Aligned Studies, International Institute for Peace, Latin American Federation of Associations of Relatives of Disappeared Detainees, Liberation, Rural Reconstruction Nepal, World Christian Life Community, World Federation of Trade Unions, World Federation of United Nations Associations, World Organization of Former Students of Catholic Education
14 Specific groups and individuals	38th	**Members:** El Salvador, Guatemala (on behalf of the Group of Latin American and Caribbean States), India, Mexico, Philippines, Russian Federation, Venezuela
	39th	**Members:** Argentina, Austria, Bangladesh, China, Cuba, Morocco, Norway, Pakistan, Peru, Poland, Romania, Sudan, United States of America **Observers:** Bulgaria, Egypt, Georgia, Malta, Ukraine; Switzerland **Other observers:** International Committee of the Red Cross, International Federation of the Red Cross and Red Crescent Societies, International Organization for Migration, Order of Malta

Agenda item a/	Meeting number	Speaker
14 Specific groups and individuals . . . (concluded)	40th	**Observers:** Armenia, Azerbaijan, Costa Rica, Croatia, Cyprus, Finland, Hungary, Nicaragua, Paraguay, Singapore, Slovakia, Sweden (on behalf of the Nordic countries); Holy See **Other observers:** International Labour Organization, United Nations Children's Fund **Non-governmental organizations:** African Commission of Health and Human Rights Promoters, Al-Khoei Foundation, Asian Buddhists Conference for Peace, Caritas Internationalis, Christian Solidarity International, Fraternité Notre Dame, Inc., Human Rights Watch, Interfaith International, International Association for Religious Freedom, International Commission of Jurists, International Confederation of Free Trade Unions, International Council of AIDS Service Organizations, International Federation of Free Journalists, International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, International Peace Bureau, Minority Rights Group, Organization for the Solidarity of the Peoples of Asia, Africa and Latin America, Soka Gakkai International, World Jewish Congress
	41st	**Members (right of reply):** Latvia, Pakistan **Observers (right of reply):** Cyprus, Egypt, Estonia, Turkey, Viet Nam **Non-governmental organizations:** Afro-Asian People's Solidarity Organization, Agir ensemble pour les droits de l'homme, Aliran Kesedaran Negara - National Consciousness Movement, American Association of Jurists, Anti-Slavery International, Asian Cultural Forum on Development, Caucasians United for Reparations and Emancipation, Commission for the Defense of Human Rights in Latin America, Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, Federal Union of European Nationalities, Franciscans International, Freedom House, Group for International Solidarity, Himalayan Research and Cultural Foundation, Human Rights Advocates, Inc., Indian Movement "Tupaj Amaru", International Council of Voluntary Agencies, International Educational Development, Inc., International Helsinki Federation for Human Rights, International Human Rights Law Group, International Indian Treaty Council, International Institute for Peace, International Movement against All Forms of Discrimination and Racism, International Organization for the Development of Freedom of Education, Movement against Racism and for Friendship among Peoples, Organization for Defending Victims of Violence, Rural Reconstruction Nepal, Society for Threatened Peoples, War Resisters International, Women's International League for Peace and Freedom, World Federation of Trade Unions, World Muslim Congress, Worldview International Foundation

Agenda item a/	Meeting number	Speaker
15 Indigenous issues	42nd	**Members:** Argentina, Canada, Ecuador, Peru, Philippines **Observers:** Australia, Bolivia, Denmark (on behalf of the Nordic countries), Estonia, New Zealand, Paraguay, Spain, Ukraine; Switzerland **Non-governmental organizations:** Afro-Asian People's Solidarity Organization, American Association of Jurists, Asian Cultural Forum on Development, Europe-Third World Centre, FIAN-Foodfirst Information and Action Network, International Human Rights Law Group, International League for the Rights and the Liberation of Peoples
	43rd	**Members (right of reply):** Venezuela **Non-governmental organizations:** Aboriginal and Torres Strait Islander Commission, Agir ensemble pour les droits de l'homme, Anti-Slavery International, Asian Legal Resource Centre, Asociación Kunas Unidos por Napguana, Commission for the Defense of Human Rights in Central America, Commission of the Churches on International Affairs of the World Council of Churches, Franciscans International, Indian Movement "Tupaj Amaru" (joint statement with North South XXI), Interfaith International, International Educational Development, Inc., International Federation of Rural Adult Catholic Movements, International Indian Treaty Council, International Organization for the Development of Freedom of Education, International Organization of Indigenous Resource Development, International Work Group for Indigenous Affairs, Inuit Circumpolar Conference, Latin American Federation of Associations of Relatives of Disappeared Detainees, Latin American Human Rights Association, Movement against Racism and for Friendship among Peoples, Rural Reconstruction Nepal, Russian Association of Indigenous Peoples of the North, Saami Council, Society for Threatened Peoples, Survival International Limited, Transnational Radical Party, United Methodist Church-General Board of Church Society, Women's International League for Peace and Freedom, World Organization of Former Pupils of Catholic Education, Worldview International Foundation
16 Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities . . .	44th	**Members:** China, India, Pakistan, Russian Federation **Non-governmental organizations:** Christian Solidarity International, Europe-Third World Centre, Human Rights Advocates, Inc., Interfaith International, International Organization of Indigenous Resource Development, Minority Rights Group, Pax Romana (joint statement with Franciscans International and International Educational Development, Inc.)

Agenda item a/	**Meeting number**	**Speaker**
17 Promotion and protection of human rights . . .	44th	**Members:** El Salvador (also on behalf of the Group of Central American States), Germany (on behalf of the European Union; Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement), Japan, Norway (also on behalf of the Nordic countries), Romania, South Africa **Observers:** Cameroon, Costa Rica, Croatia, Egypt, Libyan Arab Jamahiriya, Lithuania, Paraguay, Singapore, Slovakia; Switzerland **Other observers:** United Nations Educational, Scientific and Cultural Organization
	45th	**Observers:** Bulgaria, Iran (Islamic Republic of), Israel, Malta **Non-governmental organizations:** Aliran Kesedaran Negara-National Consciousness Movement, Amnesty International, Asian Buddhists Conference for Peace, Association of World Citizens, Brahma Kumaris World Spiritual University, Centre for Justice and International Law, Christian Solidarity International, Commission for the Defense of Human Rights in Central America, Earthjustice Legal Defense Fund, Friends World Committee for Consultation (Quakers) (joint statement with International Commission of Jurists), Human Rights Advocates, Inc., Human Rights Internet, Human Rights Watch, International Educational Development, Inc., International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, International Helsinki Federation for Human Rights, International League for Human Rights, International Movement against All Forms of Discrimination and Racism, International Organization for the Elimination of All Forms of Racial Discrimination, International Service for Human Rights (joint statement with six non-governmental organizations), International Union of Socialist Youth, JMJ Children's Fund of Canada, Inc., Movement against Racism and for Friendship among Peoples (joint statement with Europe-Third World Centre), Pax Romana (joint statement with International Young Catholic Students), Transnational Radical Party, World Alliance of Reformed Churches, World Federation of Trade Unions, World Federation of United Nations Associations (joint statement with World Federation of Democratic Youth), World Muslim Congress, World Organization against Torture (joint statement with International Federation of Human Rights Leagues), Worldview International Foundation

Agenda item a/	Meeting number	Speaker
17 Promotion and protection of human rights . . . (concluded)	46th	**Members:** China, Guatemala, Mexico, Pakistan, Republic of Korea **Member (right of reply):** Sudan **Observers (right of reply):** Iraq, Malaysia **Non-governmental organizations:** African Commission of Health and Human Rights Promoters, Indian Movement "Tupaj Amaru", Interfaith International, International Human Rights Association of American Minorities (joint statement with International Peace Bureau), International Indian Treaty Council, International Institute for Peace, International Islamic Federation of Student Organizations, Liberation, Women's International League for Peace and Freedom
18 Effective functioning of human rights mechanisms . . .	46th	**Members:** Austria, Cuba, Ireland, Poland **Observers:** Australia, Croatia, Dominican Republic, Georgia, Malaysia, New Zealand (on behalf of Australia and Canada), Ukraine **Non-governmental organizations:** American Association of Jurists, Andean Commission of Jurists, Association for World Education, Human Rights Watch, Transnational Radical Party
	47th	**Members:** Czech Republic **Non-governmental organizations:** Asian Cultural Forum on Development, Asian Legal Resource Centre **National institutions:** Asia Pacific Forum of National Human Rights Institutions, Canadian Human Rights Commission, Comisión Nacional de Derechos Humans (Mexico), Commission nationale consultative des droits de l'homme (France), Commission nationale des droits de l'homme (Togo), Comité supérieur des droits de l'homme et des libertés fondamentales (Tunisia), Conseil consultatif pour les droits de l'homme du Royaume du Maroc, Danish Centre for Human Rights, Defensor del Pueblo (Colombia), Federación Iberoamericana de Ombudsman, Federal Human Rights and Equal Opportunities Commission (Australia), Human Rights Commission (New Zealand), International Ombudsman Institute, National Commission on Human Rights and Freedom (Cameroon), National Human Rights Commission (India), National Human Rights Commission (Indonesia), National Human Rights Commission (Nigeria), Northern Ireland Human Rights Commission, Observatoire national des droits de l'homme (Algeria), Philippines Commission on Human Rights, Procuradoria para la Defensa de los Derechos Humanos (El Salvador), South African Human Rights Commission, Ugandan Human Rights Commission

Agenda item a/	Meeting number	Speaker
18 Effective functioning of human rights mechanisms . . . (concluded)	48th	**Members:** Norway, Pakistan, Republic of Korea **Members (right of reply):** India, Pakistan, Republic of Korea **Observers (right of reply):** Algeria **Non-governmental organizations:** African Commission of Health and Human Rights Promoters, Association of World Citizens (joint statement with Christian Solidarity International), Franciscans International, International Educational Development, Inc., International Federation of Human Rights Leagues, International Institute for Peace, Pax Romana (joint statement with International Young Catholic Students)
19 Advisory services and technical cooperation in the field of human rights	48th	**Members:** Austria, El Salvador, Germany (on behalf of the European Union; Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement), Guatemala, India, Japan, Madagascar, South Africa **Observers:** Haiti
	49th	**Members:** Indonesia **Observers:** Egypt, Iran (Islamic Republic of) **Other observers:** International Committee of the Red Cross **Non-governmental organizations:** Commission for the Defense of Human Rights in Central America (joint statement with International Indian Treaty Council), Lawyers Committee for Human Rights, Pax Romana (joint statement with International Young Catholic Students)
20 Rationalization of the work of the Commission	53rd	**Members:** Argentina (on behalf of Brazil, Chile, Paraguay and Uruguay), Austria, Bangladesh, China, Czech Republic, Ecuador, Germany, Guatemala, India, Ireland, Italy, Japan, Mexico, Pakistan, Peru, Philippines, Poland, Republic of Korea, United States of America, Uruguay, Venezuela **Observers:** Egypt, Lithuania, New Zealand, Sweden; Switzerland

Agenda item a/	Meeting number	Speaker
20 Rationalization of the work of the Commission (concluded)	54th	**Members:** Canada, Cuba, Nepal, Norway, Russian Federation, Tunisia, United Kingdom of Great Britain and Northern Ireland **Observers:** Australia, Croatia, Eritrea, Estonia, Iran (Islamic Republic of), Malaysia, Spain **Non-governmental organizations:** American Association of Jurists, Asian Buddhists Conference for Peace, Asian Cultural Forum on Development, Association of World Citizens, Europe-Third World Centre, Christian Solidarity International (joint statement with Association of World Education), Human Rights Advocates, Inc., Human Rights Internet, Human Rights Watch, Indian Movement "Tupaj Amaru" (joint statement with North South XXI), International Commission of Jurists, International Federation of Human Rights Leagues, International Peace Bureau, Lutheran World Federation (joint statement with Defence for Children International and World Federation of Methodist and Uniting Church Women), Pax Romana, World Jewish Congress

a/ The title of agenda items have been abbreviated where appropriate.

Annex IV

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FIFTY-FIFTH SESSION

1. At its fifty-fifth session, the Commission on Human Rights adopted 82 resolutions and 13 decisions.

2. The majority of the resolutions and decisions relate to mandates that do not involve substantive costs or for which provisions have been made in the proposed programme budget 2000-2001.

3. The Commission approved few new mandates or expanded existing mandates involving minimal financial implications for the proposed programme budget 2000-2001. Before taking a decision on these resolutions and decisions, in accordance with regulations 13.1 of the United Nations Financial Regulations and Rules and rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council, the Commission was informed through oral statements of the estimated costs relating to implementation of the requests contained in the resolutions and decisions.

4. The Commission also approved the termination of one mandate.

5. It is anticipated that the requirements relating to the resolutions and decisions adopted by the Commission will be absorbed from within the provisions made under section 21 of the proposed programme budget 2000-2001 for activities mandated by the Economic and Social Council. Thus no additional resources will be required under that section of the proposed programme budget as a result of the adoption of the resolutions and decisions.

6. Accordingly, no statements on administrative and programme budget implications are included in the present report in respect of resolutions and decisions adopted by the Commission in 1999.

Annex V

RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AND STATEMENTS MADE BY THE CHAIRPERSON ON BEHALF OF THE COMMISSION AT ITS FIFTY-FIFTH SESSION

Document E/CN.4/1999/	Action taken	No.	Title a/	Method of adoption b/	Paragraphs of report
			AGENDA ITEM 3: ORGANIZATION OF THE WORK OF THE SESSION		
	decision	1999/101	Organization of work	without a vote	16-17
	decision	1999/112	Organization of the work of the fifty-sixth session of the Commission (dates of the session)	without a vote	47-48
	decision	1999/113	Dates of the fifty-sixth session of the Commission	without a vote	49-50
	statement		Concerning human rights in Central America in the context of reconstruction and rehabilitation after Hurricane Mitch		29
	statement		Concerning the situation of human rights in Colombia		32
			AGENDA ITEM 4: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS		
L.7	resolution	1999/54	Strengthening of the Office of the United Nations High Commissioner for Human Rights	without a vote	56-60
			AGENDA ITEM 5: THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION		
L.5	resolution	1999/3	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	roll-call vote (35/12/6)	65-68
L.6	resolution	1999/4	Question of Western Sahara	without a vote	69-70
L.4/Rev.1	resolution	1999/55	Situation in occupied Palestine	roll-call vote (44/1/8)	71-75

Document E/CN.4/1999/	Action taken	No.	Title a/	Method of adoption b/	Paragraphs of report
			AGENDA ITEM 6: RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION		
L.60	resolution	1999/78	Racism, racial discrimination, xenophobia and related intolerance	without a vote	81-89
L.40/Rev.1	resolution	1999/82	Defamation of religions	without a vote	97-102
			AGENDA ITEM 7: THE RIGHT TO DEVELOPMENT		
L.8	resolution	1999/79	The right to development	without a vote	107-110
			AGENDA ITEM 8: QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE		
L.9	resolution	1999/5	Question of the violation of human rights in the occupied Arab territories, including Palestine	roll-call vote (31/1/21)	116-121
L.13	resolution	1999/6	Human rights in the occupied Syrian Golan	roll-call vote (32/1/20)	122-125
L.15	resolution	1999/7	Israeli settlements in the occupied Arab territories	roll-call vote (50/1/2)	126-130

Document E/CN.4/1999/	Action taken	No.	Title a/	Method of adoption b/	Paragraphs of report
			AGENDA ITEM 9: QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD ...		
	resolution	1999/1	Situation of human rights in Sierra Leone	without a vote	143-144
L.3/Rev.1	resolution	1999/2	Situation of human rights in Kosovo	roll-call vote (44/1/6)	145-150
L.14	resolution	1999/8	Human rights in Cuba	roll-call vote (21/20/12)	151-155
L.16	resolution	1999/9	Situation of human rights in Afghanistan	without a vote	156-159
L.18	resolution	1999/10	Situation of human rights in Burundi	without a vote	160-163
L.24	resolution	1999/11	Situation of human rights in Nigeria	without a vote	169-171
L.25/Rev.1	resolution	1999/12	Human rights situation in southern Lebanon and west Bekaa	roll-call vote (49/1/3)	172-176
L.27	resolution	1999/13	Situation of human rights in the Islamic Republic of Iran	roll-call vote (23/16/14)	177-183
L.28	resolution	1999/14	Situation of human rights in Iraq	roll-call vote (35/0/18)	184-190
L.29	resolution	1999/15	Situation of human rights in the Sudan	without a vote	191-194
L.31	resolution	1999/16	Cooperation with representatives of United Nations human rights bodies	without a vote	216-218
L.32	resolution	1999/17	Situation of human rights in Myanmar	without a vote	219-224
L.34/Rev.1	resolution	1999/18	The situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina	roll-call vote (46/1/6)	225-234
L.36/Rev.1	resolution	1999/19	Situation of human rights in Equatorial Guinea and assistance in the field of human rights	without a vote	235-238
L.37	resolution	1999/20	Situation of human rights in Rwanda	without a vote	239-242
L.30	resolution	1999/56	Situation of human rights in the Democratic Republic of the Congo	without a vote	197-215
	decision	1999/103	Question of human rights in Cyprus	without a vote	244-245
	statement		Concerning East Timor		243

Document E/CN.4/1999/	Action taken	No.	Title a/	Method of adoption b/	Paragraphs of report
			AGENDA ITEM 10: ECONOMIC, SOCIAL AND CULTURAL RIGHTS		
L.12	resolution	1999/21	Human rights and unilateral coercive measures	roll-call vote (37/10/6)	258-261
L.17	resolution	1999/22	Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development	roll-call vote (30/15/8)	262-266
L.19	resolution	1999/23	Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights	roll-call vote (36/16/1)	267-270
L.21	resolution	1999/24	The right to food	without a vote	271-273
L.26	resolution	1999/25	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights	without a vote	275-279
L.35	resolution	1999/26	Human rights and extreme poverty	without a vote	287-291
L.33	decision	1999/104	Effects of structural adjustment policies on the full enjoyment of human rights	roll-call vote (33/15/4)	280-286

Document E/CN.4/1999/	Action taken	No.	Title a/	Method of adoption b/	Paragraphs of report
			AGENDA ITEM 11: CIVIL AND POLITICAL RIGHTS ...		
L.38	resolution	1999/27	Human rights and terrorism	roll call vote (27/0/26)	299-305
L.41	resolution	1999/28	Human rights and arbitrary deprivation of nationality	without a vote	306-307
L.42	resolution	1999/29	Hostage-taking	without a vote	308-309
L.43	resolution	1999/30	Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	without a vote	310-311
L.44	resolution	1999/31	Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers	without a vote	312-313
L.46	resolution	1999/32	Torture and other cruel, inhuman or degrading treatment or punishment	without a vote	314-315
L.47	resolution	1999/33	The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms	without a vote	316-317
L.48	resolution	1999/34	Impunity	without a vote	318-321
L.49	resolution	1999/35	Extrajudicial, summary or arbitrary executions	without a vote	322-324
L.52	resolution	1999/36	Right to freedom of opinion and expression	without a vote	325-327
L.53	resolution	1999/37	Question of arbitrary detention	without a vote	328-329
L.54	resolution	1999/38	Question of enforced or involuntary disappearances	without a vote	330-331
L.57	resolution	1999/39	Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief	without a vote	332-333
L.55/Rev.2	resolution	1999/57	Promotion of the right to democracy	roll-call vote (51/0/2)	334-347

Document E/CN.4/1999/	Action taken	No.	Title a/	Method of adoption b/	Paragraphs of report
			AGENDA ITEM 12: INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE ...		
L.45	resolution	1999/40	Traffic in women and girls	without a vote	353-354
L.51	resolution	1999/41	Integrating the human rights of women throughout the United Nations system	without a vote	355-357
L.56	resolution	1999/42	Elimination of violence against women	without a vote	358-360
L.58	decision	1999/105	Systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict	without a vote	361-364
			AGENDA ITEM 13: RIGHTS OF THE CHILD		
L.50	resolution	1999/43	Abduction of children from northern Uganda	roll-call vote (28/1/24)	373-378
L.39	resolution	1999/80	Rights of the child	without a vote	379-384
			AGENDA ITEM 14: SPECIFIC GROUPS AND INDIVIDUALS ...		
L.63/Rev.1	resolution	1999/44	Human rights of migrants	without a vote	391-395
L.66	resolution	1999/45	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	without a vote	396-397
L.69	resolution	1999/46	Contemporary forms of slavery	roll-call vote (36/0/17)	398-404
L.70	resolution	1999/47	Internally displaced persons	without a vote	405-406
L.71	resolution	1999/48	Rights of persons belonging to national or ethnic, religious and linguistic minorities	without a vote	407-410
L.72	resolution	1999/49	The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS)	without a vote	411-412

Document E/CN.4/1999/	Action taken	No.	Title a/	Method of adoption b/	Paragraphs of report
			AGENDA ITEM 15: INDIGENOUS ISSUES		
L.68	resolution	1999/50	Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994	without a vote	418-421
L.73	resolution	1999/51	Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People	without a vote	422-425
L.74	resolution	1999/52	A permanent forum for indigenous people in the United Nations system	without a vote	426-429
	decision	1999/106	Study on indigenous land rights	without a vote	430-433
			AGENDA ITEM 16: REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ...		
L.65	resolution	1999/53	Forum on economic, social and cultural rights: the Social Forum	without a vote	442-444
L.67/Rev.1	resolution	1999/81	Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities	without a vote	448-450
L.59	decision	1999/107	The concept and practice of affirmative action	without a vote	438-441
L.80	decision	1999/108	The right to drinking water supply and sanitation services	without a vote	445-447

Document E/CN.4/1999/	Action taken	No.	Title a/	Method of adoption b/	Paragraphs of report
			AGENDA ITEM 17: PROMOTION AND PROTECTION OF HUMAN RIGHTS ...		
L.81	resolution	1999/58	Impunity of perpetrators of violations of economic, social and cultural rights	roll-call vote (21/9/22)	456-461
L.84	resolution	1999/59	Globalization and its impact on the full enjoyment of all human rights	roll-call vote (30/2/20)	462-468
L.88	resolution	1999/60	Development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights	without a vote	474-475
L.91	resolution	1999/61	Question of the death penalty	roll-call vote (30/11/12)	476-483
L.94	resolution	1999/62	Towards a culture of peace	without a vote	484-485
L.95	resolution	1999/63	Human rights and bioethics	without a vote	486-488
L.96	resolution	1999/64	United Nations Decade for Human Rights Education	without a vote	489-492
L.97	resolution	1999/65	Fundamental standards of humanity	without a vote	493-496
L.98	resolution	1999/66	Implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms	without a vote	497-499
L.99	resolution	1999/67	Convention on the Prevention and Punishment of the Crime of Genocide	roll-call vote (48/0/5)	500-503
L.61	resolution	1999/68	Enhancement of international cooperation in the field of human rights	without a vote	504-505
L.79	decision	1999/109	Human rights and the follow-up of guidelines for the regulation of computerized personal data files	without a vote	454-455
	decision	1999/111	Postponement of consideration of draft resolution E/CN.4/1999/L.85 (Human duties and responsibilities)	without a vote	469-473

Document E/CN.4/1999/	Action taken	No.	Title a/	Method of adoption b/	Paragraphs of report
			AGENDA ITEM 18: EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS ...		
L.75	resolution	1999/69	Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region	without a vote	509-511
L.78	resolution	1999/70	Composition of the staff of the Office of the United Nations High Commissioner for Human Rights	roll-call vote (34/16/3)	512-515
L.82	resolution	1999/71	Regional arrangements for the promotion and protection of human rights	without a vote	516-517
L.87	resolution	1999/72	National institutions for the promotion and protection of human rights	without a vote	521-522
L.83	decision	1999/110	Human rights and thematic procedures	without a vote	518-520
			AGENDA ITEM 19: ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS		
L.76	resolution	1999/73	Mainstreaming technical cooperation in all areas of human rights	roll-call vote (27/19/7)	529-532
L.77	resolution	1999/74	Assistance to States in strengthening the rule of law	without a vote	533-534
L.89	resolution	1999/75	Assistance to Somalia in the field of human rights	without a vote	535-537
L.92	resolution	1999/76	Situation of human rights in Cambodia	without a vote	538-542
L.93	resolution	1999/77	Situation of human rights in Haiti	without a vote	543-547
	decision	1999/102	Question of assistance to Chad	without a vote	527-528
			AGENDA ITEM 20: RATIONALIZATION OF THE WORK OF THE COMMISSION		
	statement		Concerning the review of mechanisms of the Commission on Human Rights		552

a/ The titles of agenda items have been abbreviated, where appropriate.

b/ In the case of a vote, the figures in brackets represent: votes in favour/votes against/abstentions.

Annex VI

LIST OF DOCUMENTS ISSUED FOR THE FIFTY-FIFTH SESSION OF THE COMMISSION

Documents issued in the general series

Symbol	Agenda item	
E/CN.4/1999/1	2	Provisional agenda: note by the Secretary-General
E/CN.4/1999/1/Add.1 and Corr.1	2	Annotations to the provisional agenda prepared by the Secretary-General
E/CN.4/1999/2	3	Letter dated 30 April 1998 from the Permanent Representative of Algeria to the United Nations Office at Geneva addressed to the Chairman of the fifty-fourth session of the Commission on Human Rights
E/CN.4/1999/3 and Corr.1	4 and 18	Note by the United Nations High Commissioner for Human Rights
E/CN.4/1999/3/Add.1 and Corr.2	4 and 18	Study of the High Commissioner for Human Rights on procedures for ensuring implementation of, and follow-up to recommendations of special rapporteurs/representatives, experts and working groups
E/CN.4/1999/3/Add.2	4 and 18	Note by the United Nations High Commissioner for Human Rights: report of the Chairperson of the fourth meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the Commission and of the advisory services programme concerning his activities from June 1997 to May 1998
E/CN.4/1999/4 E/CN.4/Sub.2/1998/45	16	Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its fiftieth session
E/CN.4/1999/5	8	Letter dated 24 June 1998 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights

Symbol	Agenda item	
E/CN.4/1999/6	7	Letter dated 6 October 1998 from the Permanent Representative of Sudan to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights
E/CN.4/1999/7	9	Note verbale dated 14 October 1998 from the Permanent Mission of Bahrain to the United Nations Office at Geneva addressed to the Secretary-General of the United Nations (Office of the High Commissioner for Human Rights)
E/CN.4/1999/8	3	Report of the United Nations High Commissioner for Human Rights on the Office in Colombia
E/CN.4/1999/9	4	Report of the United Nations High Commissioner for Human Rights pursuant to paragraph 5 of General Assembly resolution 48/141
E/CN.4/1999/10	5	Situation in occupied Palestine: report of the Secretary-General
E/CN.4/1999/11	5	Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, submitted by Mr. Enrique Bernales Ballesteros, Special Rapporteur, pursuant to Commission resolution 1998/6
E/CN.4/1999/12	6	Report of the United Nations High Commissioner for Human Rights submitted pursuant to Commission resolution 1998/26
E/CN.4/1999/13		[Symbol not used]
E/CN.4/1999/14		[Symbol not used]
E/CN.4/1999/15	6	Report by Mr. Maurice Glèlè-Ahanhanzo, Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, submitted pursuant to Commission resolution 1998/26
E/CN.4/1999/15/Add.1	6	______: mission to South Africa (24 February to 5 March 1998)

Symbol	Agenda item	
E/CN.4/1999/16 and Corr.1 and 2		Report of the sessional open-ended Working Group to review and formulate proposals for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance
E/CN.4/1999/17	6	Comments of the International Labour Office concerning Commission resolution 1998/26
E/CN.4/1999/18		[Symbol not used]
E/CN.4/1999/19	7	Report of the High Commissioner for Human Rights submitted in accordance with Commission resolution 1998/72
E/CN.4/1999/20	7	Report of the Secretary-General submitted in accordance with Commission resolution 1998/72
E/CN.4/1999/21	8	Report of the Secretary-General
E/CN.4/1999/22	8	Idem
E/CN.4/1999/23	8	Note by the Secretary-General
E/CN.4/1999/24	8	Report on the situation of human rights in the Palestinian territories occupied since 1967, submitted by Mr. Hannu Halinen, Special Rapporteur, pursuant to Commission resolution 1993/2 A
E/CN.4/1999/25	9 (a)	Report of the Secretary-General submitted pursuant to Commission decision 1998/109
E/CN.4/1999/26	9	Human rights situation in southern Lebanon and western Bekaa: report of the Secretary-General
E/CN.4/1999/27	9	Cooperation with representatives of United Nations human rights bodies: report of the Secretary-General submitted in accordance with Commission resolution 1998/66
E/CN.4/1999/28	9	Situation in East Timor: report of the Secretary-General
E/CN.4/1999/29	9	Situation of human rights in Myanmar: report of the Secretary-General submitted pursuant to General Assembly resolution 53/162

Symbol	Agenda item	
E/CN.4/1999/30	9	Note by the secretariat
E/CN.4/1999/31	9	Report on the situation of human rights in the Democratic Republic of the Congo, submitted by the Special Rapporteur, Mr. Roberto Garretón, in accordance with Commission resolution 1998/61
E/CN.4/1999/32	9	Report on the situation of human rights in the Islamic Republic of Iran, submitted by the Special Representative of the Commission, Mr. Maurice Danby Copithorne, pursuant to Commission resolution 1998/80
E/CN.4/1999/33	9	Report on the situation of human rights in Rwanda submitted by the Special Representative of the Commission, Mr. Michel Moussalli, pursuant to Commission resolution 1998/69
E/CN.4/1999/34	9	Situation of human rights in Rwanda: note by the secretariat
E/CN.4/1999/35	9	Situation of human rights in Myanmar: report of the Special Rapporteur, Mr. Rajsoomer Lallah, submitted in accordance with Commission resolution 1998/63
E/CN.4/1999/36	9	Situation of human rights in Nigeria: report submitted by the Special Rapporteur, Mr.Soli Jehangir Sorabjee, pursuant to Commission resolution 1997/53
E/CN.4/1999/37	9	Situation of human rights in Iraq: report submitted by the Special Rapporteur, Mr. Max van der Stoel, in accordance with Commission resolution 1998/65
E/CN.4/1999/38	9	Situation of human rights in the Sudan: report of the Special Rapporteur, Mr. Leonardo Franco, submitted in accordance with Commission resolution 1998/67
E/CN.4/1999/39	11 (b)	Extrajudicial, summary or arbitrary executions: report of the Special Rapporteur, Ms. Asma Jahangir, submitted pursuant to Commission resolution 1998/68
E/CN.4/1999/39/Add.1	11 (b)	______: country situations

Symbol	Agenda item	
E/CN.4/1999/40	9	Report on the situation of human rights in Afghanistan submitted by Mr. Kamal Hossain, Special Rapporteur in accordance with Commission resolution 1998/70
E/CN.4/1999/41	9	Report on the human rights situation in Equatorial Guinea submitted by Mr. Alejandro Artucio, Special Rapporteur, pursuant to Commission resolution 1998/71
E/CN.4/1999/42	9	Situation of human rights in the former Yugoslavia: report of Mr. Jiri Dienstbier, Special Rapporteur
E/CN.4/1999/43	9	Situation of human rights in Burundi: note by the secretariat
E/CN.4/1999/44	10	Human rights and unilateral coercive measures: report of the Secretary-General
E/CN.4/1999/44/Add.1	10	Implications and negative effects of unilateral coercive measures: report of the Secretary-General
E/CN.4/1999/44/Add.2	10	Human rights and unilateral coercive measures: report of the Secretary-General
E/CN.4/1999/45	10	The right to food: report of the United Nations High Commissioner for Human Rights
E/CN.4/1999/46	10	Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights: progress report submitted by Ms. Fatma-Zohra Ksentini, Special Rapporteur, pursuant to Commission resolution 1998/12
E/CN.4/1999/46/Add.1	10	Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights: report submitted by Ms. Fatma-Zohra Ksentini, Special Rapporteur: report on the mission to Latin America

Symbol	Agenda item	
E/CN.4/1999/47	10	Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development: note by the secretariat
E/CN.4/1999/48	10	Human rights and extreme poverty: report submitted by Ms. A.-M. Lizin, independent expert, pursuant to Commission resolution 1998/25
E/CN.4/1999/49	10	Preliminary report of the Special Rapporteur on the right to education, Ms. Katarina Tomasevski, submitted in accordance with Commission resolution 1998/33
E/CN.4/1999/50	10	Effect of structural adjustment policies on the full enjoyment of human rights: report by the independent expert, Mr. Fantu Cheru, submitted in accordance with Commission decisions 1998/102 and 1997/103
E/CN.4/1999/51	10	Report of the open-ended Working Group on structural adjustment programmes and on economic, social and cultural rights on its second session
E/CN.4/1999/52 and Corr.1	17 (a)	Question of the death penalty: report of the Secretary-General submitted pursuant to Commission resolution 1998/8
E/CN.4/1999/52/Add.1	17 (a)	Idem
E/CN.4/1999/53	11 (d)	The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms: note by the Secretary-General
E/CN.4/1999/54	11 (a)	Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: report of the Secretary-General
E/CN.4/1999/55	11 (a)	United Nations Voluntary Fund for Victims of Torture: report of the Secretary-General

Symbol	Agenda item	
E/CN.4/1999/56 and Add.1-2	11	Human rights and arbitrary deprivation of nationality: report of the Secretary-General
E/CN.4/1999/57	11 (d)	Report of the Secretary-General
E/CN.4/1999/58	11 (e)	Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, in accordance with Commission resolution 1998/18
E/CN.4/1999/58/Add.1	11 (c)	_______: visit to the United States of America
E/CN.4/1999/58/Add.2	11 (e)	_______: visit to Viet Nam
E/CN.4/1999/59	11 (a)	Report of the Working Group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on its seventh session
E/CN.4/1999/59/Add.1	11 (a)	Idem
E/CN.4/1999/60	11 (d)	Report of the Special Rapporteur on the independence of judges and lawyers, Mr. Param Cumaraswamy
E/CN.4/1999/61	11 (a)	Report of the Special Rapporteur, Sir Nigel S. Rodley, submitted pursuant to Commission resolution 1998/38
E/CN.4/1999/61/Add.1	11 (a)	Report of the Special Rapporteur, Sir Nigel S. Rodley, submitted pursuant to Commission resolution 1995/37: visit by the Special Rapporteur to Turkey
E/CN.4/1999/62	11 (b)	Report of the Working Group on Enforced or Involuntary Disappearances
E/CN.4/1999/62/Add.1 and Corr.1	11 (b)	_______: report on the mission to Yemen
E/CN.4/1999/62/Add.2	11 (b)	_______: report on the visit to Turkey by two members of the Working Group on Enforced or Involuntary Disappearances (20-26 September 1998)
E/CN.4/1999/63	11 (a)	Report of the Working Group on Arbitrary Detention
E/CN.4/1999/63/Add.1	11 (a)	Opinions adopted by the Working Group on Arbitrary Detention

Symbol	Agenda item	
E/CN.4/1999/63/Add.2	11 (a)	Report of the Working Group on Arbitrary Detention: report on the mission to Peru
E/CN.4/1999/63/Add.3	11 (a)	________: report on the visit of the Working Group to the United Kingdom on the issue of immigrants and asylum seekers
E/CN.4/1999/63/Add.4	11 (a)	________: visit to Romania
E/CN.4/1999/64	11 (c)	Report of the Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression, Mr. Abid Hussain
E/CN.4/1999/64/Add.1	11 (c)	Report of the Special Rapporteur on the promotion and the protection of the right to freedom of opinion and expression, Mr. Abid Hussain, submitted in accordance with Commission resolution 1998/42: report on the mission to Malaysia
E/CN.4/1999/64/Add.2	11 (c)	Report of the Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression, Mr. Abid Hussain: report of the mission to Hungary
E/CN.4/1999/65	11 (d)	Report of the independent expert on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms, Mr. Cherif Bassiouni, submitted pursuant to Commission resolution 1998/43
E/CN.4/1999/66	12	Note by the Secretary-General
E/CN.4/1999/67	12	The question of integrating the human rights of women throughout the United Nations system: report of the Secretary-General
E/CN.4/1999/67/Add.1	12	Integrating the human rights of women into the mechanisms of the United Nations: note by the secretariat
E/CN.4/1999/68	12 (a)	Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission resolution 1995/85

Symbol	Agenda item	
E/CN.4/1999/68/Add.1	12 (a)	Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy: communications to and from Governments
E/CN.4/1999/68/Add.2	12 (a)	Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, in accordance with Commission resolution 1997/44: report of the mission to the United States of America on the issue of violence against women in state and federal prisons
E/CN.4/1999/68/Add.3	12 (a)	Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy: mission to Indonesia and East Timor (20 November-4 December 1998)
E/CN.4/1999/68/Add.4	12 (a)	Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, in accordance with Commission resolution 1997/44: policies and practices that impact women's reproductive rights and contribute to, cause or constitute violence against women
E/CN.4/1999/69 and Corr.1	13	Abduction of children from northern Uganda: report of the Secretary-General
E/CN.4/1999/70	13	Status of the Convention on the Rights of the Child: report of the Secretary-General
E/CN.4/1999/71	13	Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Ofelia Calcetas-Santos
E/CN.4/1999/71/Add.1	13	________: mission of the Special Rapporteur to the Lao People's Democratic Republic on the issue of trafficking of children (21-25 September 1998)
E/CN.4/1999/72	13	Report of the Special Representative of the Secretary-General for children and armed conflict: note by the Secretary-General

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E/CN.4/1999/73	13	Report of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts on its fifth session
E/CN.4/1999/74	13	Report of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on its fifth session
E/CN.4/1999/75	14 (d)	Note by the secretariat
E/CN.4/1999/76	14 (d)	The protection of human rights in the context of the human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS): report of the Secretary-General
E/CN.4/1999/77	14 (a)	Status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and efforts made by the secretariat to promote the Convention: report of the Secretary-General
E/CN.4/1999/78	14 (b)	Note by the secretariat
E/CN.4/1999/79	14 (c)	Internally displaced persons: report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1998/50
E/CN.4/1999/79/Add.1	14 (c)	_______: profiles in displacement: Azerbaijan
E/CN.4/1999/79/Add.2	14 (c)	_______: note by the secretariat
E/CN.4/1999/80	14 (a)	Report of the Working Group of intergovernmental experts on the human rights of migrants, submitted in accordance with Commission resolution 1998/16
E/CN.4/1999/81	15	Implementation of the programme of activities for the International Decade of the World's Indigenous People: report of the United Nations High Commissioner for Human Rights

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E/CN.4/1999/82	15	Report of the Working Group established in accordance with Commission resolution 1995/32
E/CN.4/1999/83	15	Report of the open-ended inter-sessional ad hoc Working Group on a permanent forum for indigenous people in the United Nations system
E/CN.4/1999/84	16	Report of Mr. El-Hadji Guissé, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fiftieth session, prepared in accordance with paragraphs 9 (d) and 11 of Commission resolution 1998/28
E/CN.4/1999/85	14 (d)	United Nations Voluntary Trust Fund on Contemporary Forms of Slavery: note by the secretariat
E/CN.4/1999/86	17 (c)	Public information activities in the field of human rights, including the World Public Information Campaign on Human Rights: report of the Secretary-General
E/CN.4/1999/87	17 (c)	Implementation of the Plan of Action for the United Nations Decade for Human Rights Education (1995-2004): report of the Secretary-General
E/CN.4/1999/88	17 (d)	Question of the follow-up to the guidelines for the regulation of computerized personal data files: report of the Secretary-General prepared pursuant to Commission decision 1997/122
E/CN.4/1999/89	17 (d)	Report of the Secretary-General submitted in accordance with Commission decision 1997/102
E/CN.4/1999/89/Add.1	17 (d)	Idem
E/CN.4/1999/90	17 (d)	Human rights and bioethics: report of the Secretary-General
E/CN.4/1999/91	17 (a)	Report of the Secretary-General
E/CN.4/1999/92	17	Fundamental standards of humanity: report of the Secretary-General submitted pursuant to Commission resolution 1998/29

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E/CN.4/1999/93	18 (b)	Regional arrangements for the promotion and protection of human rights: report of the Secretary-General prepared in accordance with paragraph 10 of Commission resolution 1997/34
E/CN.4/1999/94	18 (b)	Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region: report of the Secretary-General submitted in accordance with Commission resolution 1998/44
E/CN.4/1999/95	18 (b)	Report of the Secretary-General submitted in accordance with Commission resolution 1998/55
E/CN.4/1999/96	18	Human rights and thematic procedures: note by the secretariat
E/CN.4/1999/97	18 (c)	Composition of the staff of the Office of the United Nations High Commissioner for Human Rights: report of the High Commissioner
E/CN.4/1999/98	19	Assistance to States in strengthening the rule of law: note by the Secretary-General
E/CN.4/1999/99/and Corr.1	19	Report of the Secretary-General
E/CN.4/1999/100	19	Role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights: report of the Secretary-General
E/CN.4/1999/101	19	Situation of human rights in Cambodia: report of the Special Representative of the Secretary-General for Human Rights in Cambodia, Mr. Thomas Hammarberg, submitted in accordance with Commission resolution 1998/60: report of the Secretary-General
E/CN.4/1999/102	19	Situation of human rights in Haiti: note by the secretariat

Symbol	Agenda item	
E/CN.4/1999/103	19	Situation of human rights in Somalia: report of the independent expert, Ms. Mona Rishmawi, submitted in accordance with Commission resolution 1998/59
E/CN.4/1999/103/Add.1	19	Situation of human rights in Somalia: Forensic report: preliminary assessment of mass graves in the vicinity of Hargeisa, Somalia
E/CN.4/1999/104 and Corr.1	20	Report of the Bureau of the fifty-fourth session of the Commission submitted pursuant to Commission decision 1998/112
E/CN.4/1999/105	13	Programme of action for the elimination of the exploitation of child labour: note by the Secretary-General
E/CN.4/1999/106	8	Letter dated 31 August 1998 from the Permanent Representative a.i. of the Syrian Arab Republic to the United Nations Office at Geneva addressed to the High Commissioner for Human Rights and to the Chairperson of the Commission on Human Rights
E/CN.4/1999/107	9	Letter dated 20 May 1998 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights
E/CN.4/1999/108	8	Letter dated 3 June 1998 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights
E/CN.4/1999/109	3	Statistics relating to the fifty-fourth session of the Commission on Human Rights: note by the secretariat
E/CN.4/1999/110		[Symbol not used]
E/CN.4/1999/111	11 (b) and (d)	Note by the Secretary-General
E/CN.4/1999/112	10	Draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights: note by the secretariat

Symbol	Agenda item	
E/CN.4/1999/112/Add.1	10	Idem
E/CN.4/1999/113	14 (b)	Rights of persons belonging to national or ethnic, religious and linguistic minorities: report of the Secretary-General
E/CN.4/1999/114	14 (b)	Letter dated 28 December 1998 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-fifth session of the Commission on Human Rights
E/CN.4/1999/115	10	Letter dated 30 December 1998 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-fifth session of the Commission on Human Rights
E/CN.4/1999/116	17	Letter dated 4 January 1999 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-fifth session of the Commission on Human Rights
E/CN.4/1999/117	9	Letter dated 7 January 1999 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-fifth session of the Commission on Human Rights
E/CN.4/1999/118	7	Note by the secretariat on the provisional work programme of the independent expert on the right to development
E/CN.4/1999/119	9, 14 (b) and 16	Letter dated 5 February 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

Symbol	Agenda item	
E/CN.4/1999/120	20	Letter dated 26 February 1999 from the delegations of Algeria, Bhutan, China, Cuba, Egypt, India, Islamic Republic of Iran, Malaysia, Myanmar, Nepal, Pakistan, Sri Lanka, Sudan and Viet Nam addressed to the secretariat of the Commission on Human Rights
E/CN.4/1999/121	9	Letter dated 2 March 1999 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-fifth session of the Commission on Human Rights
E/CN.4/1999/122	17	Letter dated 3 March 1999 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-fifth session of the Commission on Human Rights
E/CN.4/1999/123	5	Letter dated 5 March 1999 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-fifth session of the Commission on Human Rights
E/CN.4/1999/124	20	Letter dated 9 March 1999 from the Permanent Mission of the Republic of Korea to the United Nations Office at Geneva, acting as Coordinator of the Group of Asian States, addressed to the secretariat of the Commission on Human Rights
E/CN.4/1999/125	9 and 14 (b)	Letter dated 26 February 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1999/126	9 and 14 (b)	*Idem*
E/CN.4/1999/127	9 and 14 (b)	*Idem*

Symbol	Agenda item	
E/CN.4/1999/128	11 (a)	Letter dated 12 March 1999 from the Permanent Representative of Cuba to the United Nations Office at Geneva addressed to the Secretary of the Commission on Human Rights
E/CN.4/1999/129	9	Note verbale dated 15 March 1999 from the Permanent Mission of Myanmar to the United Nations Office at Geneva addressed to the secretariat of the fifty-fifth session of the Commission on Human Rights
E/CN.4/1999/130	9, 14 and 14 (c)	Letter dated 19 March 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1999/131	9 and 14 (b)	Letter dated 22 March 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1999/132	9 and 14 (b)	Idem
E/CN.4/1999/133	9 and 14 (b)	Idem
E/CN.4/1999/134	9 and 14 (b)	Idem
E/CN.4/1999/135	9	Letter dated 24 March 1999 from the Permanent Representative of the Czech Republic to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights
E/CN.4/1999/136	9	Letter dated 24 March 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights
E/CN.4/1999/137	9	Idem

Symbol	Agenda item	
E/CN.4/1999/138	17 (d)	Letter dated 29 March 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights
E/CN.4/1999/139	9, 14 (b) and 17	Letter dated 29 March 1999 from the Permanent Representative of Armenia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights
E/CN.4/1999/140	9	Letter dated 29 March 1999 from the Permanent Representative of the Republic of Armenia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights
E/CN.4/1999/141	3	Letter dated 13 April 1999 from the Permanent Representative of Colombia to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights
E/CN.4/1999/142	9	Letter dated 6 April 1999 from the Permanent Representative of the Sudan to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights
E/CN.4/1999/143	8	Letter dated 1 April 1999 from the Permanent Observer of Palestine to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights
E/CN.4/1999/144	9	Letter dated 2 April 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights
E/CN.4/1999/145	9	Letter dated 5 April 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights
E/CN.4/1999/146	9	Idem

Symbol	Agenda item	
E/CN.4/1999/147	9	Idem
E/CN.4/1999/148	9	Note verbale dated 6 April 1999 from the Permanent Mission of the Democratic Republic of the Congo to the United Nations Office at Geneva addressed to the secretariat of the Commission on Human Rights
E/CN.4/1999/149	11 (d)	Letter dated 6 April 1999 from the head of the delegation of the United Kingdom of Great Britain and Northern Ireland to the fifty-fifth session of the Commission on Human Rights addressed to the Chairperson of the Commission
E/CN.4/1999/150	9	Letter dated 7 April 1999 from the Permanent Representative of the Sudan to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights
E/CN.4/1999/151	10	Letter dated 9 April 1999 from the Permanent Representative of Armenia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights
E/CN.4/1999/152	8	Letter dated 12 April 1999 from the Permanent Observer of Palestine to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights and the Chairperson of the Commission on Human Rights
E/CN.4/1999/153	9	Letter dated 15 April 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights
E/CN.4/1999/154	5 and 9	Letter dated 15 April 1999 from the Permanent Representative of Qatar to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights

Symbol	Agenda item	
E/CN.4/1999/155	9	Letter dated 16 April 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights
E/CN.4/1999/156	11 (e)	Letter dated 21 April 1999 from the Permanent Representative of Viet Nam to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights
E/CN.4/1999/157	9	Letter dated 20 April 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights
E/CN.4/1999/158	9	Letter dated 23 April 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights
E/CN.4/1999/159	9	Letter dated 26 April 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights
E/CN.4/1999/160	9	Idem
E/CN.4/1999/161	5 and 9	Letter dated 26 April 1999 from the Permanent Representative of India to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights
E/CN.4/1999/162	9	Letter dated 26 April 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights

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E/CN.4/1999/163	9	Letter dated 31 March 1999 from the Permanent Mission of the Republic of Croatia to the United Nations Office at Geneva addressed to the secretariat of the Commission on Human Rights
E/CN.4/1999/164	9	Letter dated 19 April 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights
E/CN.4/1999/165	10 and 17 (d)	*Idem*
E/CN.4/1999/166	9	*Idem*
E/CN.4/1999/SR.1-62 a/ and E/CN.4/1999/SR.1-62/Corrigendum		Summary records of meetings of the Commission at its fifty-fifth session, and corrigendum

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E/CN.4/1999/L.6	5	Question of Western Sahara: draft resolution submitted by the Chairperson
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E/CN.4/1999/L.19	10	Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights: draft resolution
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E/CN.4/1999/L.21	10	The right to food: draft resolution
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E/CN.4/1999/NGO/4	6	Written statement submitted by the Association for World Education, a non-governmental organization on the Roster
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E/CN.4/1999/NGO/6	6 and 10	Written statement submitted by the International Human Rights Law Group, a non-governmental organization in special consultative status
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E/CN.4/1999/NGO/15	8	Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status
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E/CN.4/1999/NGO/26	11	Written statement submitted by the Andean Commission of Jurists, a non-governmental organization in special consultative status
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E/CN.4/1999/NGO/34	8	*Idem*
E/CN.4/1999/NGO/35	10	*Idem*
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E/CN.4/1999/NGO/37	11 (c)	*Idem*
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E/CN.4/1999/NGO/41	12	Written statement submitted by Al-Khoei Foundation, a non-governmental organization in general consultative status
E/CN.4/1999/NGO/42	13	*Idem*
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E/CN.4/1999/NGO/45	13	*Idem*
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E/CN.4/1999/NGO/47	8	Written statement submitted by the International Commission of Jurists, a non-governmental organization in special consultative status
E/CN.4/1999/NGO/48	10	*Idem*
E/CN.4/1999/NGO/49	7, 10 and 13	Written statement submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organizations in special consultative status
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E/CN.4/1999/NGO/51	11 (g)	Written statement submitted by War Resisters International, a non-governmental organization in special consultative status
E/CN.4/1999/NGO/52	11 (a)	Written statement submitted by the International Rehabilitation Council for Torture Victims, a non-governmental organization in special consultative status
E/CN.4/1999/NGO/53	14 (b) and (c)	Written statement submitted by the Association of Refugees and Displaced Persons of the Republic of Bosnia-Herzegovina, a non-governmental organization in special consultative status
E/CN.4/1999/NGO/54	14 (b)	Written statement submitted by the Caucasians United for Reparations and Emancipation (CURE/AFRE), a non-governmental organization on the Roster
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E/CN.4/1999/NGO/59	5	Written statement submitted by the Fédération des associations pour la défense et la promotion des droits de l'homme, a non-governmental organization in special consultative status
E/CN.4/1999/NGO/60	6	Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status
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E/CN.4/1999/NGO/94	10	Written statement submitted by Human Rights Advocates, Inc., a non-governmental organization in special consultative status
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E/CN.4/1999/NGO/99	10	Written statement submitted by the World Medical Association, a non-governmental organization on the Roster
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E/CN.4/1999/NGO/107	9	Written statement submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organization in special consultative status
E/CN.4/1999/NGO/108	13	Joint written statement submitted by the International Movement of Apostolate of Children, a non-governmental organization on the Roster, and Pax Christi International, International Catholic Peace Movement, a non-governmental organization in special consultative status
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E/CN.4/1999/NGO/121	5	Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster
E/CN.4/1999/NGO/122	9	Written statement submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organization in special consultative status
E/CN.4/1999/NGO/123	12 (a)	Written statement submitted by Freedom House, a non-governmental organization in special consultative status

Symbol	Agenda item	
E/CN.4/1999/NGO/124	9	Joint written statement submitted by World Confederation of Labour, World Federation of Trade Unions, non-governmental organizations in general consultative status; American Association of Jurists, Indian Movement "Tupaj Amaru", Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Federation of ACAT (Action of Christians for the Abolition of Torture), International Law Association, International League for the Rights and Liberation of Peoples, North South XXI, Pax Romana, War Resisters' International, Women's International League for Peace and Freedom, World Organization against Torture, non-governmental organizations in special consultative status; European Union of Public Relations, International Baccalaureate Organization, International Educational Development, Inc., International Institute for Peace, International Peace Bureau, Movement against Racism and for Friendship among Peoples, United Nations Association of Great Britain and Northern Ireland, World Christian Life Community, non-governmental organizations on the Roster
E/CN.4/1999/NGO/125	11 (d)	Written statement submitted by the European Federation of Road Traffic Victims, a non-governmental organization on the Roster

Note

[a] The summary records of the closed meetings (16th and 17th (first part)) were issued in restricted distribution.

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